

CALIFORNIA HORSE RACING BOARD
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REGULAR MEETING

of the California Horse Racing Board will be held on, Thursday, April 28, 2005, commencing at **9:00 a.m.**, at the Churchill Downs Hollywood Park Race Track, in the Sunset Room, 1050 S. Prairie Avenue, Inglewood, California. **The meeting will open at 9:00 a.m., then the Board will adjourn into Executive Session with the regular meeting commencing at approximately 9:30 a.m.**

AGENDA

Action Items

1. Discussion and action by the Board on the **approval of the minutes of the Regular Board meeting of February 17, 2005 and March 24, 2005.**
2. Discussion and action by the Board on the **Application to Conduct a Horse Racing Meeting of the San Joaquin Fair (F) at Stockton**, commencing June 15 through June 26, 2005, inclusive.
3. Discussion and action by the Board on the **Application to Conduct a Horse Racing Meeting of the Alameda County Fair (F) at Pleasanton**, commencing June 29 through July 10, 2005, inclusive.
4. Discussion and action by the Board on the **Application to Conduct a Horse Racing Meeting of the Pacific Racing Association (T) at Golden Gate Fields**, commencing May 11 through June 19, 2005, inclusive.
5. Discussion and action by the Board on the adoption of the following **regulatory amendments**:
 - A. **CHRB Rule 1420 – Definitions.**
 - B. **CHRB Rule 1615 – Scale of Weights to Age.**
 - C. **CHRB Rule 1616 – Minimum Weights to be Carried.**
 - D. **CHRB Rule 1684 – Items included in Weight.**
6. Discussion and action by the Board on the **employment of Pari-Mutuel Employees Guild Local 280 members at advance deposit-wagering facilities** in California.
7. Discussion and action by the Board on the matter of the **appropriate disposition of purse funds by Capitol Racing, LLC, pursuant to Business and Professions Code Section 19605.7(c).**
8. Update on the **implanting of microchips for the identification of horses and establishing stronger procedures that regulate restricted areas and horses shipped in and out of racetracks.**

Committee Reports

9. Report of the **Pari-mutuel Operations Committee**
Commissioner Jerry Moss, Chairman
Commissioner John Sperry, Member
10. Report of the **Race Dates Committee.**
Commissioner Richard Shapiro, Chairman
Commissioner John Sperry, Member

Other Business

11. **General Business:** Communications, reports, requests for future action of the Board.
12. **Old Business:** Issues that may be raised for discussion purposes only, which have already been brought before the Board.
13. **Executive Session:** For the purpose of receiving advice from counsel, considering pending litigation, reaching decisions on administrative licensing and disciplinary hearings, and personnel matters, as authorized by Section 11126 of the Government Code.
 - A. Personnel.
 - B. Board may convene an Executive Session to consider any of the attached pending litigation.
 - C. The Board may also convene an Executive Session to consider any of the attached pending administrative licensing and disciplinary hearings.

Additional information regarding this meeting may be obtained from Roy Minami, at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who requires aids or services in order to participate in this public meeting, should contact Roy Minami.

CALIFORNIA HORSE RACING BOARD

John C. Harris, Chairman
William A. Bianco, Vice Chairman
Sheryl L. Granzella, Member
Marie G. Moretti, Member
Jerry Moss, Member
Richard B. Shapiro, Member
John C. Sperry, Member
Ingrid Fermin, Executive Director

PROCEEDINGS of the Regular Meeting of the **California Horse Racing Board** held at the **Arcadia City Council Chambers**, 240 West Huntington Drive, Arcadia, California, on **February 17, 2004**.

Present: John C. Harris, Chairman
William A. Bianco, Vice-Chairman
Sheryl L. Granzella, Member
Marie G. Moretti, Member
Jerry Moss, Member
Richard B. Shapiro, Member
John C. Sperry, Member

DISCUSSION AND ACTION BY THE BOARD ON THE APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE CHURCHILL DOWNS CALIFORNIA OPERATING COMPANY (T), FROM APRIL 20 THROUGH JULY 17, 2005, INCLUSIVE.

Roy Minami, CHRB staff, said Churchill Downs California Operating Company (CDCOC) proposed to run 64 days, one day less than 2004, for a total of 550 races. The first post time would be 1:20 p.m., daily, and 7:05 p.m. Fridays. Mr. Minami stated the horsemen's agreement was completed, but staff had not received a signed copy. In addition, the fire clearance was missing from the application and the workman's compensation insurance would expire in March 2005. Mr. Minami added CDCOC stated it would provide staff with a copy of the renewed insurance policy. In addition, CDCOC pledged to continue the total carbon dioxide (TCO2) testing and conduct enhanced surveillance. Mr. Minami said staff recommended approval of the application conditioned on receipt of the missing information. Chairman Harris asked if staff received a financial statement from the Limited Liability Company (LLC). John Reagan, CHRB staff, said staff did not have a financial statement from the LLC. He stated the financial statement was for Churchill Downs Company with footnotes that applied to the LLC functions and operations. Mr. Reagan added the proposed amendment

to Board Rule 1433, Application for License to Conduct a Horse Racing Meeting, would require a separate financial statement for the LLC, but the amendment was not yet approved. Chairman Harris asked if CDCOC would have a detention barn. Commissioner Shapiro also asked if CDCOC would utilize the committee set up at Santa Anita to monitor TCO2 violations and honor any penalties imposed by the committee at the Santa Anita meeting just prior to the beginning of CDCOC's meet. Rick Baedeker of CDCOC said his organization would have a detention barn, and would implement the entire TCO2 testing program that was currently in place. Mr. Baedeker added he would need a legal opinion prior to enforcing any sanctions given at Santa Anita, but would enforce such sanctions if given the opportunity. Commissioner Shapiro said after CDCOC's 2004 fall meeting certain deficiencies were identified. He asked if CDCOC had resolved the issues. Mr. Baedeker stated CDCOC provided Board staff with a response which included a security plan, an agreement to use a camera tower on the three-eighths turn, and a daily review of the tapes by the jockeys. Commissioner Shapiro asked if CDCOC had addressed the issue of identifying horses leaving the grounds, where they were going and when they returned. Eual Wyatt of CDCOC said a policy was in place. However, it was going to be reviewed to make sure it was working. Commissioner Shapiro asked where CDCOC's April 20 and 21, 2005, simulcast would originate. Mr. Baedeker said the April 20 simulcast would be out-of-state races; the April 21 simulcast would feature Bay Meadows races as well as out-of-state races. Commissioner Shapiro stated CDCOC's application included out-of-state wagering systems that would not combine their pari-mutuel pools with those of the association. He asked if such systems typically offered rebates. Mr. Wyatt said there were simulcast sites that commingled and those

that did not. He stated he would not characterize non-commingling sites as rebaters. Commissioner Shapiro asked if any of the sites were under investigation or were typically offshore wagering accounts. Mr. Wyatt said there were four sites that commingled in 2004 that were named in an ongoing New York investigation. Those sites were removed and CDCOC did not intent to allow them into its pools. Commissioner Shapiro said he wanted to be clear that CDCOC believed none of the simulcast sites were under investigation or offshore wagering facilities. Mr. Wyatt stated the sites were subject to CDCOC's takeout, but he believed some of the sites did offer rebates. Commissioner Shapiro said he did not think it was in the industry's best interest to promote entities that were not paying commissions that benefited the horsemen, the tracks and the state. Drew Couto of Thoroughbred Owners of California stated his organization and CDCOC were working with other industry organizations to arrange for substantial transparency and disclosure from offshore entities. He said at least ten offshore entities had agreed that player lists would be confidentially provided to an entity that would conduct criminal background checks. If there were any high-risk players, the offshore entities, as well as concerned industry groups, would be notified. Mr. Couto added the offshore entities would be informed that such individuals could not be permitted to wager within California pools. Commissioner Shapiro asked if CDCOC could address its promotional plans for its meeting. Mr. Baedeker stated CDCOC provided staff with its promotional plans for the spring meeting. He then gave a detailed overview of CDCOC's plans. Commissioner Shapiro commented that he thought the marketing plans were terrific, and he hoped the plans were in some way an outgrowth of the fan marketing committee meeting. Commissioner Shapiro asked if the problems with the turf course were resolved.

Mr. Baedeker said the problems with the turf course were improper drainage underlying the course and settling in various areas. He stated the areas of settling had been addressed, but the drainage problem would not be fixed until immediately following the spring meeting. Ten inches of growing medium would be removed, the drainage problem would be fixed and a new turf course would be put in place. Executive Director Ingrid Fermin asked if the official veterinarian was going to be utilized to help train surveillance staff. Mr. Baedeker said CDCOC would use the official veterinarian, as outlined in the security outline submitted to staff. Executive Director Fermin asked if the stalls in the detention barn had individual cameras. Mr. Baedeker said the stalls in the detention barn would have individual cameras by the beginning of the spring meeting. Commissioner Shapiro **motioned** to approve the application for license to conduct a horse racing meeting of CDCOC. Commissioner Moretti **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE ALLOCATION OF 2005 RACE DATES FOR HARNESS RACING AT:

- A. THE CALIFORNIA EXPOSITION AND STATE FAIR (CAL-EXPO)
 - B. THE LOS ANGELES COUNTY FAIR (FAIRPLEX)
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John Reagan, CHRB staff, said harness dates were allocated through July 2005. He stated two applications for the remaining dates were received: one from California Exposition and State Fair (Cal-Expo) and one from the Los Angeles County Fair. Mr. Reagan said staff recommended the requests be referred to the Race Dates Committee. Ralph Scurfield of Sacramento Benevolent Harness Association (SBHA) spoke about the impetus for the formation of SBHA and said his organization would provide the Board with information about itself. He said SBHA was a new entity and needed assurances of a viable situation before it invested the

sizeable amount of money necessary to initiate a meeting. He said SBHA was not opposed to looking at a north-south situation. Commissioner Shapiro stated he heard concerns that a decision needed to be made as quickly as possible. However, he was in possession of signatures from horsemen that represented a sizeable majority of the horses running at Cal-Expo, and they indicated they would wait an additional month for a decision to be made. Commissioner Shapiro said for the benefit of the industry he would like to examine both options. Chairman Harris said a Race Dates Committee meeting would be held to review the applications and make a recommendation to the full Board. He stated the committee would consist of Commissioners Shapiro, Sperry and Moretti. Dave Elliot of Cal-Expo and Ben Kenny of the California Harness Horsemen's Association expressed their concern over the effect of delaying a decision for an additional 30 days. Commissioner Shapiro said the Board did not know anything about the new operator. In addition, the Board did not know the terms of the lease agreement, nor what improvements would be made. The purpose of the committee meeting was to look to the best interests of the industry.

DISCUSSION BY THE BOARD ON EMPLOYMENT OF PARI-MUTUEL EMPLOYEES GUILD, LOCAL 280 EMPLOYEES AT ADVANCE DEPOSIT WAGERING FACILITIES IN CALIFORNIA.

David Rosenfeld, representing the Pari-mutuel Employees Guild (Guild) said the Guild wanted to address the issue of employment in wagering hubs created as a result of advance deposit wagering (ADW). Mr. Rosenfeld stated that when the ADW statute became effective in 2001 it was the result of a compromise worked out between the varying interests within the industry. He said in 2001 persons employed within the industry would not have supported ADW if they

thought it would mean a loss of jobs. Mr. Rosenfeld stated in 2001 the Guild was assured that jobs would remain in California as a benefit to the industry. He said he reviewed the record of some of the hearings before the Board, and found statements by ADW lobbyists in which it was stated expressly that as a result of ADW there would be California hubs and California jobs. The Guild supported ADW because it was given assurances that jobs would remain in California, but the opposite had happened. Mr. Rosenfeld said the enabling statute preserved the concept that ADW would create California jobs. He reviewed portions of the statute that supported his argument. Mr. Rosenfeld stated TVG's operators were in Oregon, and XpressBet's were in Pennsylvania. He added that while Youbet's operators were in California, and represented what the statute envisioned, the remaining jobs were out-of-state, and were not covered by a collective bargaining agreement. Mr. Rosenfeld said the Guild's position was that the statute stated clearly the understanding that, if the union supported the legislation, the result would be jobs in California covered by a collective bargaining agreement. He stated the Guild wanted the statute enforced, and the understandings expressed in 2001 adhered to. The Guild wanted the Board to express to the parties involved its desire to see the issues resolved, and the ADW industry in compliance with the statute. Alan Landsburg, a former Commissioner and Chairman of the California Horse Racing Board, expressed his support for the Guild's position. Chairman Harris said he was sympathetic with the Guild, but he did not know how much latitude the Board had regarding labor-management issues. Deputy Attorney General (DAG) Derry Knight said the issue presented difficulties as it involved an industry that was interstate in nature. As a California regulatory body, the Board did not have the authority to influence ADW's labor relations in another state. DAG Knight said that although the

National Labor Relations Board (NLRB) had declined jurisdiction of horse racing generally, it did take jurisdiction and preempt the Board in regards to a similar issue in the late 1980s. He added that there may have been commitments made at the time the enabling statute was crafted, but the legislation was very narrow in scope, and it appeared a lot of the employees at issue were not pari-mutuel clerks, but high-tech employees, who would not be covered by collective bargaining agreements. Mr. Rosenfeld said in the totalizator case referred to by DAG Knight, the NLRB did assert jurisdiction. He stated the company filed a charge with the NLRB after the Board told it to sign a collective bargaining agreement. The NLRB determined it had jurisdiction, as the totalizator employees were not in the horse racing industry, and issued an injunction against the Board. Mr. Rosenfeld said he would invite the Board to test NLRB's jurisdiction, but the only way to do so was to tell the ADW providers to comply with California law. That law stated ADW providers had to have an agreement with the labor organization that historically represented the same or similar classifications of employees at the nearest horse racing meeting. Mr. Rosenfeld said the Guild was not interested in technical support personnel, as they were not a "similar classification." He stated the Guild believed there were as many as 40 personnel involved with the three ADW providers who were customer-support staff. If such persons were in the horse racing industry the NLRB would not intervene to allow the Guild to organize those persons. The Guild could not force the employer to do anything except by calling a strike, which would cause economic harm to the industry. Mr. Rosenfeld said the Guild did not want to cause such problems. He added the reason the statute required bargaining was to avoid strikes. The courts affirmed such understandings by stating there could exist "labor peace ordinances" provided there were other

issues involved. Mr. Rosenfeld stated the Guild was only asking the Board tell ADW providers they could not be licensed unless they complied with the understandings on which the statute was based. He said if the Board revoked a license because of non-compliance with the statute, the ADW providers could ask the NLRA for resolution. If the NLRA asserted jurisdiction because it determined the customer service personnel were not in the horse racing industry, the collective bargaining language in the statute could not be enforced. Mr. Rosenfeld said the NLRA had a procedure for advisory opinions, but that took time. John Hindman of TVG said during his organization's licensing process in December 2004, the Guild asked for discussions. TVG responded with a letter stating its position, but added TVG should be contacted by the Guild if it still wished to hold talks. The Guild had not contacted TVG to date. In addition, Mr. Hindman said he disagreed with Mr. Rosenfeld's representation of the enabling statute. He stated the law did talk about wagering hubs in California, but TVG's position was that if it did open such a hub in California, it would comply with the law. Commissioner Shapiro said it was clear that when the industry was working to pass the ADW legislation, the Guild was approached and promised jobs in return for its support. He stated he understood there were hubs in Oregon and Pennsylvania, but jobs had been lost in California. Was there any possibility that TVG would move a hub to California? Mr. Hindman said TVG did not have immediate plans to open a hub in California; however, that was a business decision to which he was not privy. Commissioner Shapiro asked if TVG had investigated the costs involved with transferring some of its customer support functions to California. Mr. Hindman said TVG had 114 employees in California. He stated TVG also operated in Oregon long before it began operating in California. He stated TVG's Oregon employees were

dedicated and TVG was proud of its customer service. Commissioner Shapiro said one of TVG's competitors had a California location where its personnel answered questions and assisted customers with wagers over the telephone. He asked why TVG could not have such an operation in California. Mr. Hindman said TVG was doing its best to create jobs in California. Commissioner Sperry said the intent when the ADW legislation was being written was to replace lost union jobs with other union jobs. That was the understanding the ADW providers gave the Guild. The companies gave their word and then did not live up to it. Mr. Hindman said if one looked at all the statements made by the ADW providers; one would find they had been consistent. Commissioner Moretti said when ADW was introduced in California the industry was excited about its possibilities. She stated she was under the impression hubs would be created in California. Commissioner Moretti commented at that time the Board should have made it clear that ADW meant hubs in California and union jobs. She stated she did not believe that after renewing the ADW licenses the Board should raise the issue of jobs. Richard Castro of the Guild read excerpts from various transcripts of Regular Board Meetings in the year 2002, and explained why each could lead one to believe the ADW providers were promising to bring union jobs to California. Chairman Harris said the item would be revisited at a future meeting.

DISCUSSION AND ACTION BY THE BOARD ON THE JOCKEYS' GUILD PROPOSAL FOR JOCKEY WEIGHT ALLOWANCES AMENDING:

- A. RULE 1420 – DEFINITIONS.**
 - B. RULE 1615 – SCALE OF WEIGHTS FOR AGE.**
 - C. REPEAL OF RULES 1616 AND 1684.**
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John Reagan, CHRB staff, said the proposed amendment of Board rules 1420, Definitions, and 1615, Scale of Weights for Age, and the repeal of rules 1616, Minimum Weights to be Carried, and 1684, Items Included in Weight, was previously discussed in 2004. Mr. Reagan said the proposed amendment to Rule 1615 would change the minimum jockey weight to 116 pounds for jockeys riding Arabian or Thoroughbred horses and 121 pounds for a jockey riding Appaloosa, Paint, Quarter Horse or mule. In addition, the minimum weight in a handicap race would be 112 pounds. Horses would be required to carry a minimum of ten pounds of riding gear from withers to rump and the official program would be required to state the jockey's actual weight as well as the weight of the equipment and the combined total weight. Mr. Reagan stated the proposed amendment would also provide minimum body fat requirements for male and female jockeys, and exempt certain jockeys from such requirements for a period of 24 months commencing June 1, 2005. He said staff recommended the Board direct staff to initiate a 45-day public comment period. Barry Broad of the Jockeys' Guild stated the proposed amendment was a compromise after many months of discussion. He said his organization was in favor of the amendment and would like the 45-day public comment period to begin. Mr. Broad said the proposal was a significant compromise for the Guild, but the basic rule was a change that would provide transparency and honesty to the system. Mr. Broad stated there was anxiety that increased jockey weight would cause breakdowns. He stated there were many reasons for breakdowns, including medication, poor track surfaces, and

issues of breeding and poor training, and jockeys should not be made to pay for such issues with their health. Mr. Broad added the weight standard in the United States dated from 1858, when people were very small as compared to the present. Many professional medical organizations had written in support of the proposed weight changes. On the other hand, Mr. Broad said he was unable to find one study that documented the effects of a few pounds in increased weight every few weeks on a horse that ran for a minute or two. There was no statistical evidence to demonstrate the added weight damaged horses. Riders that weighted up to a hundred sixty pounds, and ride with heavier saddles exercised horses daily. Mr. Broad stated some feared horsemen would leave California if the minimum weights were raised. He said he believed horsemen would stay and life would go on. Other states would be forced to go to a transparent system of weight. Mr. Broad stated when the weight discussion was begun no one believed the equipment weighed ten pounds. However, it was now understood that there was an extra five pounds of equipment, yet there was no revolt of wagering fans, and nothing untoward happened. Chairman Harris asked if the majority of jockeys supported the proposal. Mr. Broad said the jockeys supported the proposal, and jockeys across the nation would view the increase as a major change for the good. Commissioner Moretti **motioned** to direct staff to initiate a 45-day public comment period. Commissioner Shapiro **seconded** the motion. Tom Robbins of Del Mar Thoroughbred Club (DMTC) said his organization also wished to see the issue resolved. However, he stated he was confused. He said he did not know what it meant to eliminate the scale of weights. If the suggestion was that a three year old carry the same weight as older horses, he would not favor it, nor should the industry. Mr. Robbins suggested the Board meet with California racing secretaries and Guild representatives

to discuss all the issues, as there was still a lot of confusion. Chairman Harris said there would be time for meetings. If the Board did not act on the issue, the Guild would introduce legislation that would legislate much of the proposal. One question for the industry was: "would you rather have the Board regulate weights, or would you rather have the issue legislated?" Chairman Harris said regardless of the merits of the issue, the Board was a better vehicle, as there would be more flexibility. Commissioner Shapiro said he had studied the issue. As a horse owner he did not like the idea of his horses carrying more weight, but a large part of the jockey colony was using unhealthy techniques to make weight, and the industry and the public was ill informed regarding the weight of the equipment. Commissioner Shapiro said he talked to the racing secretaries and the industry could agree on only one thing: weights had risen. However, over the past five years, there was no correlation regarding the number of breakdowns or fatalities and rising weight. Commissioner Shapiro stated Mr. Broad was correct in that track surfaces were not rebuilt often, and exercise riders weighed considerably more. He said he did not believe the Board had an option. If one looked at Santa Anita's races there was an average of a hundred twenty pounds assigned to every horse entered. If five pounds of equipment was added to that weight, the horses were running at one hundred twenty five pounds. The proposal to amend Rule 1615 would have the lower weight assigned down to a hundred and sixteen pounds plus ten pounds of equipment, which equaled one hundred twenty six pounds. Commissioner Shapiro said he applauded the racing secretaries for trying to raise rider weights, but as Chairman Harris stated: either the Board dealt with the issue, or the state legislature would. Mr. Robbins said he appreciated Commissioner Shapiro's ability to look at the larger picture. He stated racing secretaries made

a national effort to raise jockey weights. However, the California industry was fragile, and there were a lot of issues to discuss before the Board took a different direction from every other state in the nation. Mr. Robbins said he hoped the Guild had been making the same effort in other states. Commissioner Shapiro said in talks with Guild representatives he understood that as soon as California changed its weights other states would fall in line. Jockeys' health was a national problem and California was taking the lead. Commissioner Moss said the issue had been discussed for a year. He stated it was up to the Board, with the help of the industry, to come to a decision. However, if the industry was going to take a year to move on something so sensitive, he thought this was wrong, and the Board would have to take the lead and live with the results. Richard Hammerle of Santa Anita said the racing secretaries made a national effort to raise the minimum weight to 118 pounds. He stated since that time he had fewer complaints from jockeys. The Board needed to talk to the riders to determine if there was a problem with the current changes before it made major changes. Commissioner Shapiro said he applauded the efforts of racing secretaries, but the Board was merely trying to bring transparency to the program with minimum riding weights. He stated there would still be a comment period in which the industry could voice its opinion. Martin Panza of Hollywood Park said California's racing secretaries made a new scale and talked to several racing secretaries across the nation. He stated it was very difficult to increase weights even two or three pounds as other secretaries said they did not have a problem. However, jockey weights were increased two or three pounds. Mr. Panza said he did not understand the proposal. If there were no scale of weights, there would be no racing because older horses would be forced to carry more weight. He stated the racing secretaries wanted to discuss the issue with the

Guild and the Board. Commissioner Shapiro suggested a meeting be held with the racing secretaries and the Guild during the 45-day public comment period to discuss the issue and perhaps arrive at sensible modifications to the amendment. Ed Halpern of California Thoroughbred Trainers (CTT) said his organization did not have a problem with much of the proposed amendment. He stated, however, CTT did not support the new minimum weight for Thoroughbred horses. Mr. Halpern said it was an arbitrary figure that should have been subject to scientific scrutiny. He stated the one study CTT brought forth indicated every pound of weight added to a horse added to the danger of a breakdown, which also affected the safety of the rider. If a jockey were injured in a breakdown because the Board increased minimum weights, no service would have been done. Mr. Halpern said he would like the Board to reserve judgment until it had information regarding the safety of the proposed minimum weights. Drew Couto of Thoroughbred Owners of California (TOC) said horse owners were concerned about the health of jockeys. He stated he had read the literature provided by the Guild as well as all the medical evidence, and did not find one mention of weight; it was all concerned with body fat content. Mr. Couto said body fat was the key to determining if one was healthy. He stated the Board was obligated to make a decision, but the TOC hoped an ad-hoc committee would be formed within the 45-day comment period in which the industry could work to reach a satisfactory weight. Craig Fravel of DMTC said he did not know of anyone who objected to the five percent minimum body fat requirement. If one read the medical evidence, one would discover the proposed amendment would be unmanageable with regards to accurately determining body fat. Mr. Fravel stated the clerk of scales were not capable of doing the scientific work necessary to take such measurements. He explained how body fat

was measured for National Collegian Athletic Association wrestlers, and added such measurements were only taken twice a year. Mr. Fravel stated the literature indicated weekly, daily or monthly measurements were not relevant, as body fat did not change quickly – except by virtue of hydration levels – which was not a measure of body composition. He said if the Board was going to adopt a rule that would be a model for the remainder of the country; he hoped it would be one that could be understood, enforced properly, and not one that would set everyone back a bit. Mr. Broad said he had extensive talks with Dr. Seftel, the track doctor in Northern California, who indicated it was easy to gain weight as body fat. He stated the gain did not happen overnight, but it could take place within a few days. The technology used to measure body fat ranged from high technology to measurements taken via electronic devices. Mr. Broad added the Guild had met with TOC and had numerous discussions with the industry. On several occasions the Guild was told a national solution was being pursued, however, that solution did not involve talks with the Guild. Mr. Broad said the reality was that horse racing was regulated on a state-by-state basis. The Guild would take the issue to other jurisdictions, but it could not accomplish anything unless it gets adopted. Commissioner Shapiro asked if the Guild would at least be willing to talk with racing secretaries to address their concerns. Mr. Broad said he would be willing to talk to the racing secretaries at any time. He would only ask that they approach a meeting with a “How will we make the rule work?” attitude. The motion was **unanimously carried**.

REPORT BY THE LOS ANGELES COUNTY FAIR ON FUTURE PLANS FOR THE RACING FACILITY.

Jim Henwood of Los Angeles County Fair (LACF) spoke in detail about his organization's plans for its racing facility. He stated he had met with trainers and received a positive response, as well as constructive comments regarding housing for backstretch personnel, recreational activities and viewing locations for owners and trainers. Mr. Henwood stated he would meet in the near future with Thoroughbred Owners of California. He said LACF was looking for the most cost effective plan in terms of dollars and land use. The industry was working with LACF to evaluate the plans and to determine how LACF could best serve the needs of Southern California horsemen. Chairman Harris said the Board appreciated Mr. Henwood's presentation and was pleased LACF was upgrading its facilities.

DISCUSSION AND ACTION REGARDING CAPITOL RACING, LLC.

Commissioner Shapiro stated he was not happy with the financial statements Capitol Racing (CR) provided prior to the January 2005 Regular Board Meeting. He said he met with Steve Bieri and Alan Horowitz of CR. Mr. Bieri provided his personal financial statement, which he did not wish to make public, and delivered a letter, which certified his net worth was at an acceptable level. Subsequent to a discussion between Deputy Attorney General Derry Knight and Mr. Bieri, a new, satisfactory, letter of credit was presented. Commissioner Shapiro said currently, all the issues and discrepancies with respect to payments made under the law and their appropriate allocations were resolved. Commissioner Shapiro reviewed the issue of the \$1.1 million withheld from harness purses, and stated after examining the subject he had no issues. Ben Kenny of California Harness Horsemen's Association (CHHA) said his

organization asked several times for information regarding the money withheld from harness purses, but had not received any. If CR's financial situation was as stated, why could not CHHA see a breakdown of the monies the horsemen spent in conjunction with CR? Mr. Bieri said he had not spoken with Mr. Kenny regarding CHHA's requests. He stated CR would be happy to provide any information the CHHA requested. Mr. Bieri said CR spent \$3 million on promotions during the time frame in question. One million dollars was the horsemen's and two million dollars was from CR. John Reagan, CHRB staff, said Board staff audited CR back to 1997. The issue regarding the three million dollars was how was it split, and at what point was it split, or was it not split? Mr. Bieri said the monies came from satellite promotion and was to be used by the harness industry to promote events. While over the last several years attendance did not grow, the handle was climbing. He reiterated CR was willing to have any of its financial records audited. David Neumeister, past president of CHHA, said if Mr. Kenny wanted written documentation of an agreement between CR and the CHHA, he would not find one. Mr. Neumeister stated the monies in question were not intended for any purpose other than promotion. He added the statute only required that it be used according to an agreement between the racing association and the horsemen's association, and in that regard it was violated, but the money was always used as stated. Chris Bardis said he disagreed with the Board's analysis of CR's finances. He stated a lawsuit had been filed and the issue would be resolved in the courts. Mr. Bardis said there were \$4.3 million in disputed impact fees, of which fifty percent belonged to the horsemen. He stated another \$2 million from the promotional fund and \$1.8 million held by Los Alamitos also belonged to the horsemen. Mr. Bardis declared the horsemen's account was not a bank account, and the funds should be

deposited with the Board to accrue interest to go to the prevailing party, which was currently Los Alamitos. Dan Schiffer, representing Los Alamitos, asked if Mr. Bieri gave a personal guarantee of the debt. Commissioner Shapiro said he did not. Mr. Schiffer said that was a key issue for Los Alamitos and the horsemen: whether Mr. Bieri would guarantee the debt. In addition he stated neither he nor anyone at Los Alamitos had seen the revised letter of credit. Mr. Schiffer said the affected parties should be able to look at the letter and make a judgment regarding its adequacy. Given the shortfall with the previous letter of credit, and the questions regarding CR's viability, Mr. Schiffer stated Los Alamitos strongly recommended the Board not allow the distribution of CR SCOTWINC funds. Mr. Schiffer said CR did not apply for a license to continue harness racing in Sacramento and would cease to be viable. The parties needed security for the debt that would come due at the end of the litigation. Mr. Schiffer stated CR's portion of the SCOTWINC funds were under Board control, and he urged the funds not be released pending the outcome of the litigation. Richard English, a Certified Public Accountant for Los Alamitos, asked if the \$1 million bond placed by CR in 2004 was still in existence. He stated the letter of credit did not mention the bond. Mr. Reagan said the bond was on file in Sacramento, and staff would confirm in writing that it existed. Mr. English added that CR's accounting reported SCOTWINC funds, which were ultimately used for purses, months after the meeting. He stated that significantly understated the purses earned during the meeting and made the horsemen look like they were more in debt than they were. That put them in a weak-negotiating position with CR. Mr. English stated CR's current account for SCOTWINC surpluses for interim periods was not in accordance with generally accepted accounting regarding purses for horse racing. Commissioner Shapiro suggested Mr.

English and Mr. Bardis put their positions regarding CR's accounting practices in writing for staff to address and advise the Board. Commissioner Shapiro said the Board's objective was to ensure the horsemen received all of the funds they were owed, and to make sure CR's accounting was correct. He stated his impression was that an oral agreement existed between CR and the horsemen, but if he was in error, he wanted to be informed. Commissioner Shapiro said each issue should be put in writing, discussed, and decided. Mr. Bardis said there was a total of \$280,000 in SCOTWINC funds that could be distributed monthly in purses. He asked that the Board distribute or assign those funds to the horsemen's association to be generated as purse money. The funds needed to be freed so the horsemen could survive.

STAFF REPORT ON THE FOLLOWING CONCLUDED RACE MEETINGS:

A. LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION AT LOS ALAMITOS FROM DECEMBER 26, 2003 THROUGH DECEMBER 19, 2004.

John Reagan, CHRB staff, said the Los Alamitos Quarter Horse Racing Association at Los Alamitos Race Course had a good meeting. He stated he was prepared to answer any questions. Chairman Harris said it was encouraging to see the improvement in the meeting.

REPORT OF THE MEDICATION COMMITTEE

Chairman Harris said the Medication Committee met February 16, 2005. He stated the committee discussed implanting microchips in race horses for identification purposes. Chairman Harris said the committee would investigate state of the art technology and how it could be used in California. The committee also looked at retaining frozen samples for future analysis. Chairman Harris said the committee talked about penalty guidelines for Class 1, 2

and 3 medication violations. In addition, shock wave therapy was also a topic of discussion, as was inspection of vehicles in the restricted areas. Chairman Harris said the committee examined lab specifications, as the contract with Truesdail would end June 2005. A rule to utilize blood plasma to determine Clenbuterol levels was proposed. The concern was that if one administered Clenbuterol intravenously it might not show in a urine sample. In addition, a proposal to amend the Board's rules to extend the notification time period for trainers with positive test results. Also discussed was the formation of a Medication Advisory Committee (MAC). The MAC would track medication issues and alert the Board regarding subjects of interest.

REPORT OF THE PARI-MUTUEL COMMITTEE

Commissioner Moss said the Pari-Mutuel Committee met February 16, 2005. He stated the committee heard proposals from the National Thoroughbred Racing Association. Among the proposals was to list possible payouts after the fifth race of a Pick 6. It is felt that listing possible payouts would increase expectations and excitement among those who placed such wagers. Another proposal would declare a race an "all win" situation if during a Pick (n) the surface were changed from turf to dirt. Chairman Harris asked if the rule changes were going forward. Commissioner Moss said two rules would be noticed for public comment.

OLD BUSINESS

Commissioner Shapiro said he was informed that Bay Meadows Racing Association (BMRA) was not conducting carbon dioxide (TCO₂) testing on all races. He stated when BMRA's application was approved the Board was given assurances that the association would adopt the program in effect at that time. Commissioner Shapiro said BMRA's position was that they had space problems. He stated he specifically asked BMRA if it would follow the same procedures instituted at Santa Anita, and was told BMRA would do exactly what Santa Anita was doing. Commissioner Shapiro said he subsequently asked a BMRA representative if the association was fulfilling its word, and was told it was. However, he learned BMRA was only testing two races a day. Commissioner Shapiro said he did not know if more horses would need to be stabled at Golden Gate Fields, but BMRA needed to do what it promised.

MEETING ADJOURNED AT 1:24 P.M.

A full and complete transcript of the aforesaid proceedings are on file at the office of the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, California, and therefore made a part hereof:

Chairman

Executive Director

PROCEEDINGS of the Regular Meeting of the **California Horse Racing Board** held at the **Bay Meadows Race Track Longchamps Room**, 2600 South Delaware Street, San Mateo, California, on **March 24, 2005**.

Present: John C. Harris, Chairman
William A. Bianco, Vice-Chairman
Sheryl L. Granzella, Member
Richard B. Shapiro, Member
John C. Sperry, Member
Ingrid J. Fermin, Executive Director
Derry Knight, Deputy Attorney General

DISCUSSION AND ACTION BY THE BOARD ON THE APPROVAL OF THE MINUTES OF THE REGULAR BOARD MEETING OF JANUARY 20, 2005.

Chairman Harris asked for approval of the minutes of the Regular Board Meeting of January 20, 2005. Commissioner Sperry **motioned** to approve the minutes. Commissioner Granzella **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE PROPOSED CHANGE IN VENUE FOR THE 2005 STATE FAIR MEET.

John Reagan, CHRB staff, said for harness dates to run at the California State Fair and Exposition, Board approval would be needed to change the State Fair venue. Mr. Reagan said the location of the change in venue was still in negotiation. Chairman Harris asked how much latitude the State Fair had in moving its meeting. Mr. Reagan said under the law combined fairs were allowed. Chairman Harris asked how broad the definition of "combined" was. Mr. Reagan stated the concept had never been tested, but he took "combined" to mean "contiguous." Chairman Harris said the item would be held over until a proposal could be heard.

DISCUSSION AND ACTION BY THE BOARD ON THE ALLOCATION OF 2005 RACE DATES FOR HARNESS RACING AT:

- A. THE CALIFORNIA EXPOSITION AND STATE FAIR (CAL-EXPO).
 - B. THE LOS ANGELES COUNTY FAIR (FAIRPLEX).
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Commissioner Shapiro said the Race Dates Committee met March 23, 2005, and voted unanimously to recommend that harness racing be conducted at the California Exposition and State Fair (Cal-Expo) facility. He stated harness racing would be conducted on a one-year experimental basis during dates that traditionally were thoroughbred/mixed breed dates at the State Fair. The Committee also voted to allocate the balance of 2005 harness race dates to Cal-Expo. John Reagan, CHRB staff, said the current harness meeting ran until the end of July 2005. In August and most of September 2005 Cal-Expo could run harness, the Sacramento Harness Benevolent Association was expected to apply for the remaining 2005 harness dates. Commissioner Shapiro **motioned** to approve the recommendations of the Race Dates Committee regarding the allocation of 2005 race dates for harness racing. Vice-Chairman Bianco **seconded** the motion. Alan Horowitz of Capitol Racing (CR) said his organization believed harness racing deserved an opportunity to operate in Southern California. He stated CR, in conjunction with the Los Angeles County Fair (Fairplex), submitted a request to run at Fairplex. However, the committee did not believe that was the best option. Mr. Horowitz said CR wished the harness industry continued good luck in Northern California. The motion was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE REQUEST OF THE CALIFORNIA JOCKEYS' GUILD, INC. (A RECENTLY ESTABLISHED JOCKEYS' GROUP), TO ADDRESS THE BOARD REGARDING THEIR DEEP DISSATISFACTION WITH THE ADMINISTRATION OF THE CALIFORNIA JOCKEYS' HEALTH AND WELFARE FUND.

John Reagan, CHRB staff, said there had been a lot of concern regarding the conduct of the Jockeys' Guild (Guild) located in Southern California. Mr. Reagan stated the Guild's responsibilities included a health and welfare program for jockeys, which was mandated by law. The Guild had experienced a lot of difficulties, including a change in management. In addition, the Guild was not responsive when asked for information. Mr. Reagan said when he received a letter from the newly formed jockeys' group, the California Jockeys' Guild, Inc. (CJG) he was concerned to learn about unpaid bills. He stated the unpaid bills were a serious matter and, in addition to sloppy accounting and possible commingling of funds, warranted an intense look at the Guild's books. Mr. Reagan said staff believed a forensic audit of the Guild was in order. Commissioner Shapiro said the Board had previous discussions and meetings with the Guild, and while the Guild offered to open its books, its recordkeeping was lacking and there was no alternative left but a forensic audit. He said the CJG was not being formed to replace the Guild, but to represent California jockeys and to administer the funds California provided for such jockeys. Commissioner Shapiro said the Board was moving forward as quickly as possible with the forensic audit, and in the meantime had not distributed any more money to the Guild. Mr. Reagan added that uncashed refunds, which generated about a million dollars a year, provided a subsidy to the jockeys' insurance program. Ron Warren of CJG said his organization was not happy with the Guild's management of the funds. He stated the CJG wanted to ensure the California funds paid only for California riders' health and

welfare, and were not commingled with other Guild monies. Commissioner Shapiro asked if staff knew how much of the money generated from uncashed refunds actually benefited California jockeys and how much was used for administrative purposes. Mr. Reagan said staff did not. When the program was initiated many in the industry believed a separate program would be established for California jockeys. However, the Guild found that was expensive, so it started a national program for all jockeys who wished to be covered for health and welfare benefits. The Guild then adjusted premiums that were charged to California jockeys based on the amount of money contributed by the State of California. Mr. Reagan added that under an agreement with Thoroughbred Owners of California (TOC), a California jockey was one who rode at least a hundred mounts a year, fifty of which were in California. He stated staff attempted to track the money paid into the fund by California, but without full cooperation from the Guild, it was difficult to ensure that was the case. A forensic audit would help determine how much of those funds actually benefited California jockeys. Commissioner Shapiro said it appeared nearly two-thirds of every dollar was allocated for items other than actual benefits paid to jockeys. Mr. Reagan stated in recent reviews staff found that administrative expenses were approaching forty or fifty percent of the total monies paid. Vice-Chairman Bianco asked if advance deposit wagering (ADW) had reduced the amount of money available to the fund. Mr. Reagan said there had not been a significant change in the dollar amount. Staff anticipated the numbers might drop with the growth of ADW, but the fund was still generating between nine hundred thousand and a million dollars a year, and there were some funds left from previous years. Mr. Reagan cautioned, however, at some point the uncashed refunds would be exceeded by the actual costs. Commissioner Shapiro said he

understood the CJG would have to have a majority of California jockeys to be recognized by the Board. He asked how the recognition process worked. Deputy Attorney General (DAG) Derry Knight said the CJG needed to have an office in California and it had to represent a majority of jockeys licensed in California. He added there was nothing in the statute that stated how the Board made that determination. DAG Knight suggested the Board might compare CJG membership to the Board's records of currently licensed jockeys. Chairman Harris commented there could be some inequities in determining what constituted a California jockey. Mr. Reagan said the Guild's current agreement with TOC ended in 2006. He stated it was within the power of the Board to suggest other criteria to determine a California jockey, which could be incorporated into a new agreement. Commissioner Shapiro asked if there was cause, could the Board terminate the agreement between the Guild and TOC. Mr. Reagan said the Board was not a party to the agreement, so he would look to DAG Knight for an answer. However, he stated by the time the forensic audit was completed, and criteria for a new agreement was reached, it would already be 2006. Albert Fiss of the Guild said the CJG approached the Guild in 2003 to voice its dissatisfaction with the Guild's health network, which was the same network that covered every jockey involved with the Guild's health insurance plan. Mr. Fiss stated the Guild's plan allowed jockeys - who moved from track to track over the course of a given year - to receive coverage. The CJG wished to remove its members from the Guild's health network and move to a new plan. Mr. Fiss stated the problem with moving to a new plan was educating the new provider regarding the complexities of horse racing. When the Guild's plan was initiated, it found that twenty five percent of claims should have been charged to the track or to workers' compensation. The Guild was

currently in the process of educating the administrators of the new plan. Drew Couto of TOC said his review of the November 2004 Regular Board Meeting transcript revealed that Mr. Fiss assured the Board the Guild's books would be open to TOC for inspection. The Board asked TOC to send the Guild a letter requesting disclosure of information. Mr. Couto stated the Guild's response to TOC's request was a letter from its lawyer denying all requests to look at any records. He said the TOC also had concerns regarding the management of the monies in question. Since TOC was a party to the contract, and its requests for information were rebuked, the TOC believed it would be appropriate for the Board to take a close look at the Guild's use of public money. Chairman Harris asked if TOC believed its contract with the Guild was breached. Mr. Couto said he thought it was premature to arrive at that conclusion, but after the Guild represented to the Board it would provide any documents requested, nothing was provided. There was no way to tell how the money was being used unless there was an audit. Mr. Fiss stated the Guild did not have a problem terminating its contract with TOC if at any point TOC believed another party should handle the funds. Mr. Warren said CJG requested the Board review the current Guild definition of a "California jockey." He stated the CJG believed a hundred mounts in California was more appropriate. Chairman Harris said he agreed. He stated it was not fair for a jockey to come to California for a month or two, ride a few mounts, and then be eligible for the same benefits as a rider who rides year-round in California. Mr. Warren said CJG did not want to see California jockeys suffer because of lax requirements. He stated CJG wanted to take care of jockeys who supported California horse racing. Mr. Fiss commented the Guild's fifty-mount threshold was established because some jockeys only rode during one or two fairs and left the state. He said another way to approach

the issue was to establish a residency requirement. Mr. Fiss added his job was to establish similar programs in other states so it would not matter if one rode fifty or a hundred mounts. Commissioner Shapiro **motioned** to instruct staff to select a forensic auditing firm to perform a forensic audit of the Guild's health and welfare plan for California jockeys. Vice-Chairman Bianco **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE PRIMARY DRUG TESTING CONTRACT FOR THE 2005/2006 FISCAL YEAR.

Dr. Ron Jensen, CHRB Equine Medical Director, said the Medication Committee met March 23, 2005, to discuss the primary drug-testing contract for the fiscal year (FY) 2005/2006. The committee voted to recommend that all samples be sent to the Maddy Laboratory at University of California (UC) Davis under an interagency agreement. Commissioner Sperry asked why Truesdail Laboratories was being eliminated completely, and if the committee addressed the difference in the costs of testing samples. Dr. Jensen said there was a difference in costs, but the committee felt the Board's needs were better fulfilled by utilizing one laboratory that was state-of-the-art. The financial aspects could be worked out under the interagency agreement. Dr. Norman Hester of Truesdail Laboratories spoke at length about the financial and technical ramifications of using only one laboratory for testing samples. He stated he hoped the Board would reflect on his comments and look at a transition rather than an all-or-nothing decision. Vice-Chairman Bianco said he was concerned with costs. He asked if the Board could face unintended consequences by not setting a ceiling on what it would pay for drug testing. Dr. Jensen said a cost ceiling could be included in the interagency agreement. The Board could state the amount it would devote to drug testing and that would be the figure the parties would

work with. Commissioner Sperry asked if the number of tests would be cut if there were not sufficient monies available. Dr. Jensen said an interagency agreement could allow that. Commissioner Shapiro stated he thought that would be detrimental, and asked if the Board would not require testing of the same number of samples for the money. Dr. Jensen said if there were budgetary problems the number of samples tested would be cut. He stated there was a movement in the industry to focus drug testing more on quality as opposed to quantity. Commissioner Shapiro said he thought that was a separate issue. He stated what the Board did not want to hear was it would pay a million dollars for one thousand test samples when Truesdail could test one thousand five hundred for the same cost. Dr. Rick Arthur, a licensed veterinarian, said if one were only looking at costs Truesdail Laboratory would beat UC Davis as Truesdail Laboratory was a commercial laboratory and was able to keep costs low. However, the issue was really qualitative testing. Dr. Arthur said he was surprised the Board had the capabilities of the Maddy Laboratory at its disposal and was not using that facility to the utmost. The conclusion of such studies as "The McKenzie Report" were that horse racing was testing too many samples and not spending enough time with each individual sample. Dr. Arthur said the proposal allowed the Board to reevaluate its drug-testing program. There might not be as many samples tested in the future, but a better job in testing would be done. In addition, samples could be frozen for later testing. If it was found that a trainer had a positive for a particular drug substance, his frozen samples could be examined. That would take drug testing to a new level. Commissioner Shapiro **motioned** to proceed with an interagency agreement with the Maddy Laboratory at UC Davis. Chairman Harris **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE REGULATORY AMENDMENT TO CHRB RULE 1663(A) – ENTRY OF CLAIMED HORSE.

Jacqueline Wagner, CHRB staff, said the proposal to amend Board Rule 1663, Entry of Claimed Horse, provided that horses claimed in a California claiming race would be ineligible to run out-of-state until 90 days after the close of the meeting at which it was claimed except in a stakes race. Ms. Wagner stated similar amendments had been proposed a number of times, but were opposed by various facets of the industry. In addition, an informal Attorney General opinion stated that a rule prohibiting a horse claimed in California from participating in any out-of-state race for an extended period of time would be unconstitutional with regards to the commerce clause of the United States Constitution. Ms. Wagner said other racing jurisdictions had similar restrictions on horses claimed in claiming races, but none had a 90-day prohibition. Chairman Harris said when the issue was first proposed he did not know if it was a worthy idea. However, there were a number of states that were becoming competitive with California racing, and once a claimed horse was taken out-of-state, it was difficult to replenish the supply. If the proposal was reduced to 60 days, the wait might not be such a burden, and it might keep horses in California. Charles Dougherty of California Thoroughbred Trainers (CTT) said his organization once opposed the proposed rule, but there was a dramatic increase in the numbers of claimed horses leaving California. Mr. Dougherty said CTT was in support of the proposal. Drew Couto of Thoroughbred Owners of California (TOC) said his organization was in favor of the proposed amendment to Rule 1663. Commissioner Shapiro said he thought the 90-day prohibition should stay in the proposed regulation. He asked if CTT and TOC would support a 90-day prohibition. Tom Robbins of Del Mar Thoroughbred Club said he favored 60 days. He stated one issue was if other states would recognize California's rule, and 60 days was

more palatable than 90 days. California could make its prohibition on taking claimed horses out-of-state as long as it wished, but the critical part would be the support of other jurisdictions. Mr. Dougherty said CTT would support a 60-day prohibition. Jack Liebau of Bay Meadows Racing Association said his organization was in favor of the proposed regulation. In addition, he stated the fair circuit was once considered one meeting. He asked if that concept could be incorporated into the language of the regulation. Chairman Harris said that would be important. Commissioner Shapiro asked if there was a way to calculate the costs in vanning and stabling, and perhaps require that amount to be repaid for claimed horses taken out-of-state. Chairman Harris said that would be a separate issue. He stated he thought it would complicate the enforcement of the regulation. Vice-Chairman Bianco said the issue needed closer examination. How much was spent on claimed horses that were moved out-of-state? Chairman Harris said the tracks and horsemen were the entities with oversight; they administered the stabling and vanning fund. He commented they were the ones who needed to determine if that money could be better utilized elsewhere. Commissioner Shapiro **motioned** to send the proposed amendment to Rule 1663 out for a 45-day public comment period. Vice-Chairman Bianco **seconded** the motion, which was **unanimously carried**.

DISCUSSION AND ACTION BY THE BOARD ON THE UNIFORMITY OF TCO₂ TESTING, THE NOTIFICATION OF TRAINERS AND THE REQUIREMENT OF DETENTION BARNS FOR TRAINERS BETWEEN MEETS.

Dr. Rick Arthur, representing Oak Tree Racing Association, said the total carbon dioxide (TCO₂) testing program was a contractual arrangement between the racetracks and Thoroughbred Owners of California and California Thoroughbred Trainers. He stated

penalties would be imposed by the tracks dependent on the relevant circumstances, and would be held over from track to track. Dr. Arthur said each case was reviewed and then examined with the trainer. He commented discussing positives with trainers was a powerful tool and was something that should be continued. Dr. Arthur listed the positive tests to date and named the trainer, the horse and the race in each instance. He stated 6,099 horses had been tested since the beginning of Santa Anita's meeting. There were five violations since the beginning of the meeting, but none within the last five weeks. In addition, there was only one violation since violations were announced publicly. Dr. Arthur stated the program was an overall success among trainers and fans. He said some fans would like to see harsher penalties, but only the Board could fine, suspend or disqualify, or redistribute a purse. Dr. Arthur added there were some questions regarding the effect and benefit of bicarbonate loading on performance. He cited a study that demonstrated bicarbonate loading in human athletes increased time to exhaustion by 50 percent. In another study with human athletes there was a three second difference between athletes with bicarbonate and those without in an 800-meter run. The author of the study pointed out that the time was the difference between finishing first and last. Dr. Arthur said, in a related issue, a dry run with a split sample program was conducted. Samples were sent to Ohio State for independent analysis. He stated the experiment worked well. In addition, duplicate samples were sent to the Maddy Laboratory at UC Davis. The results of that experiment were not known. Dr. Arthur said a split sample would be expensive for trainers. Unlike a regular split sample the tests would have to be done at the same time. The trainer could not wait for the results of the first test. Commissioner Shapiro asked if the statistics regarding the TCO₂ program could be made public, so the public would understand

California took the lead and other states were vigorously following. Dr. Arthur said a press release was issued from Santa Anita, however, he had not seen any response in the press. Vice Chairman Bianco stated the Board should go public with the information, even if it had to pay for media advertising. He stated the drop in the use of alkalizing agents could be seen in the reports and the industry deserved some positive coverage. Chairman Harris asked if California had the most aggressive testing program in the country. Dr. Arthur said that was true. California had an aggressive program, and it had a lower threshold than many states. California used 37 millimoles versus 39 millimoles. The Maddy Laboratory tested samples ten times, so when a high reading is found, it was a certainty. Dr. Arthur commented one of the most rewarding parts of the program is no innocent party was named. Due to the quality of the testing, there was no question.

DISCUSSION AND ACTION BY THE BOARD ON THE EMPLOYMENT OF PARI-MUTUEL EMPLOYEES GUILD LOCAL 280 MEMBERS AT ADVANCE DEPOSIT-WAGERING FACILITIES IN CALIFORNIA.

Assistant Executive Director Roy Minami said at the February 2005 Regular Board Meeting the advance deposit wagering (ADW) companies and Pari-Mutuel Employee's Guild, Local 280 (Guild), were urged to meet regarding the Guild's attempts to secure employment at ADW facilities and come to an agreement that would benefit each party. Mr. Minami said he spoke with Rick Castro of the Guild and was told no progress had been made; the parties were unable to meet. To facilitate a resolution, staff recommended the Board direct the parties to meet within 30 days and submit a record of progress to the Executive Director, who would report to the Board. Mr. Minami said he spoke with the parties and each indicated a willingness to meet

within 30 days. Commissioner Shapiro said he did not understand what the Board was being asked to do if the parties were unable to come to an agreement. He stated the Board's ability to require hubs to be located in California was limited. Mr. Castro of the Guild said his organization believed the ADW applications approved by the Board were not in compliance with the enabling statute. The Guild believed that as a condition of its support for the legislation, telephone operator jobs in California should be mandatory. Chairman Shapiro asked if the Guild's ultimate goal was to have the Board void the ADW licenses if an agreement could not be reached. Mr. Castro said the Guild did not want to hurt the revenue stream of the racetracks. However, if two parties made an agreement, one would expect that it be kept. The Guild did not believe the ADW providers were keeping their agreement. Ultimately, if they did not abide by their agreement, the Guild would ask the Board to take action regarding the ADW licenses, but not necessarily void them. The Guild wanted to sit down with the ADW providers and reach an understanding. Chairman Harris asked if Mr. Castro was talking about the enabling statute or another agreement. Mr. Castro said the understanding when the legislation was passed was that there would be telephone-wagering jobs in California. Commissioner Shapiro asked if the Guild was taking the position that the ADW providers should employ telephone operators regardless of the technology. What if that was an obsolete process from the ADW provider's perspective? Mr. Castro said when new technologies appear most companies sit down and bargained. He stated ADW customers did have personal contact. He cited a news report regarding a Youbet customer receiving a check in person. Mr. Castro said that encounter involved customer service, and that was the type of job that interested the Guild. If telephone operators were obsolete, there were other avenues

the Guild could pursue. Mr. Castro said the Guild would like one or more representatives from Thoroughbred Owners of California to sit in on the proposed meeting as an observer. Vice-Chairman Bianco said ex-Chairman Alan Landsburg was very forceful in stating California-based employees would work in ADW. He said at the time he believed it was a difficult thing to guarantee, but then he learned Youbet had a customer service operation in Woodland Hills. He said he thought the Guild would negotiate with the ADW providers and get a fair deal. Vice-Chairman Bianco said the Board was led to believe one thing, and it swayed the vote. Commissioner Granzella agreed with Vice-Chairman Bianco. She said she was on the Board at that time, and the promise of jobs in California swayed the Board's vote. Commissioner Sperry said the implication at that time was the ADW providers would bring their hubs into California as soon as it was feasible, and there would be jobs for the Guild from every provider. Jeff True of Youbet.com stated his organization was the only ADW provider that had a collective bargaining agreement with the Guild. He said the agreement lasted two years and specifically stated the Guild represented telephone tellers. Mr. True said Youbet did not have such jobs, as all of its telephones were IVR. The agreement stipulated other factors outside the control of the parties could determine if there was a phone bank. Mr. True stated that situation existed, so there were no telephone tellers. The Guild's claim to represent customer service employees was completely outside the terms of the agreement. In regards to the issuance of the check Mr. Castro mentioned, Mr. True said an accountant wrote the check, not a customer service representative. Commissioner Shapiro asked why it was not economically feasible to hire telephone tellers. Mr. True said the enabling legislation placed limits on how much ADW could make in California. It also allowed horsemen's/owners'

organizations to arbitrarily determine how much an ADW provider could make. In addition, the racetracks gave their rights to other companies from which Youbet did not have a sublicense. Youbet would lose money on every wager it took through a telephone teller. Chairman Harris said one model that could work would be a customer surcharge to have a phone operator. He stated he realized Youbet was working with a thin margin and could not increase expenses dramatically, but there had to be a solution that would work for all parties. Commissioner Shapiro stated the meeting between the Guild and ADW providers would happen, however, he asked if the Board should not be looking at a larger picture. If there was a deeper problem from ADW's perspective, that by hiring Guild workers it cannot make any money, perhaps a remedy should be found that incorporated the concerns of both parties. Mr. True said Youbet tried to find a remedy through a legislative effort. However, the industry did not want to allow for telephone wagering. Mr. True added Youbet migrated some of its handle to a California hub to the extent that it was helping employ some Guild members. If there was a deeper problem that Youbet could help solve it was willing to sit down and talk.

DISCUSSION AND ACTION BY THE BOARD ON THE LOCATION AND DISPLAY OF THE SATELLITE SIGNAL OF THE HARNESS MEET (AT CAL-EXPO) AT LOS ALAMITOS.

John Reagan, CHRB staff, said after much discussion on the subject of the location and display of the satellite signal of the Cal-Expo harness meet at Los Alamitos Race Course (LARC), there was still no solution. Mr. Reagan said staff recommended that the Board require the same distribution of display of the audio-visual signals for every simulcast program at any location, but specifically at LARC. Steve Bieri of Capitol Racing (CR) spoke at length about

his views on the staff report and the history of CR's efforts to effect a change in the location and display of the satellite signal of the CR harness meet at Cal-Expo. Mr. Bieri concluded by stating that the harness signal had a positive impact when it was taken at LARC. He said if the Board did not act on staff's recommendation, the damage to harness horsemen and CR would continue to grow. David Shell, a harness horseman and past board president of California Harness Horsemen, said he would like a "statement of issues" filed against LARC and Board revocation of its simulcast wagering facility license. In 1999 the Board found LARC in violation of Rule 2057, Initial Application and Approval of a Simulcast Facility, and an administrative law judge recommended that LARC's license be conditioned. However, the Board decided that LARC had to take the signal if CR paid. That decision would be heard in court in May 2005. Mr. Shell spoke about the laws and regulations violated by LARC in its efforts to restrict CR's signal at its facility. He concluded by asking that under the Administrative Procedures Act a formal accusation be filed and the license of LARC to operate as a simulcast wagering facility be revoked. Mr. Shell said the in-state handle at LARC had shrunk from \$120,000 a night to \$42,000 a night. He stated that represented less in horsemen's purse money, commissions and tax revenue for the state. The Board needed to take action to make sure LARC did not damage harness again. Rod Blonien, representing LARC, said his organization wanted to see the harness industry do well. He stated LARC recently agreed to release up to \$300,000 in monies it had been holding to the harness horsemen. Mr. Blonien said LARC wanted the money to go to the horsemen for purses, and not to pay back overpayment of purses or commissions. In that regard, he said LARC would like to write a check to the Board so it could monitor the funds. Mr. Blonien said LARC had

also agreed to talk with Ben Kenny, president of the California Harness Horsemen's Association (CHHA). He stated LARC had also had conversations with Ralph Scurfield, the likely head of the new harness operator in Sacramento. Mr. Blonien said LARC had been unable to come to a conclusion with Mr. Bieri of CR, as he did not think the two organizations saw the issues in the same light. Mr. Blonien then talked at length about the issues as they were viewed by LARC. He concluded by stating LARC would do its best to reach an agreement with Mr. Kenny of the CHHA and Mr. Scurfield. Commissioner Shapiro said he met with interested parties and discussed the issue over the past several weeks. He stated he thought it was unfair that out-of-state harness was being promoted throughout the LARC facility and intrastate harness was not promoted at the same time. It was discriminatory and it denied the state and the horsemen revenue. Commissioner Shapiro said he understood and agreed with LARC's position. He agreed that if one could make more money off a product, one would certainly want to sell it; however, as the law was written, LARC was obligated to take the signal. Commissioner Shapiro stated when LARC's license was granted, it was never understood that it would take the California harness signal and confine it to only one part of its facility. He said the Board had a fiduciary responsibility to see that the harness signal was distributed throughout LARC's plant. He commented that, unfortunately, the issue was wrapped up in other, more difficult issues having to do with impact fees. Commissioner Shapiro said he did not think the Board should allow the situation to continue and should insist the CR harness signal be turned on throughout the LARC facility. Daniel Schiffer of the Pacific Coast Quarter Horse Racing Association (PCQHRA) said the Board did find a solution to the problem when it stated the harness horsemen should pay an impact fee. Unfortunately,

the harness interests chose to tie the ruling up in the courts, which caused harm to the quarter horse horsemen who were equally suffering. Mr. Schiffer spoke about the areas of plenary power granted the Board – one of which was to make inquiries about various items in the application process. He stated at the time of LARC's application the issue before the Board was not raised and the Board granted a license. Now it was suggested that the Board tell LARC to display the CR signal on certain monitors in certain parts of its facility. Mr. Schiffer said there was no law or regulation governing where a signal had to be displayed, and LARC was complying with the law in that regard. He commented that when a satellite facility was opened in Riverside County the quarter horse signal was shown in the parking lot. Despite protests from the quarter horse horsemen the Board declined to order the satellite facility to display the signal inside. That was the same decision that should happen with regards to CR's signal at LARC. Mr. Schiffer added if CR chose to pay an impact fee, he was sure LARC would make adjustments that were agreeable. Commissioner Shapiro asked how LARC would be harmed if CR's signal was turned on throughout LARC's facility, and the harness horsemen's money was held until the issues were resolved. Richard English of LARC said it would harm his organization because it would be taken out of circulation. The money would be taken out of the wagering pools and there would be no multiplier effect. Commissioner Shapiro said it would not harm LARC if it took out the money owed the harness horsemen and the money attributed to commissions. The money would simply be held, and would not be taken out of the handle. Mr. English said the accumulative total would be twenty-five percent of what was wagered that would no longer be in the pools. Commissioner Granzella **motioned**

to table the item. Commissioner Sperry **seconded** the motion, which was **carried** with Commissioner Shapiro voting **"no."**

REPORT ON THE HANDLE AND ATTENDANCE FOR ALL 2005 CALIFORNIA RACE MEETS.

John Reagan, CHRB staff, said there were no surprises regarding the 2005 race meetings. He stated the weather in Southern California was a contributing factor in the large percentage of decline. Chairman Harris said he agreed the weather had a lot to do with the numbers. However, the industry in general was showing decline with field size and on-track attendance. He stated he believed the industry needed to do something to turn the numbers around. While the industry was losing revenue, the tracks and the horsemen were seeing increased costs. Chairman Harris said he thought looking at the numbers and being aware of what they meant would be a good reminder of where the industry was headed.

STAFF REPORT ON THE FOLLOWING CONCLUDED RACE MEETINGS:

- A. **CAPITOL RACING, LLC. AT SACRAMENTO FROM SEPTEMBER 24, 2004, THROUGH DECEMBER 18, 2004.**
 - B. **PACIFIC RACING ASSOCIATION AT GOLDEN GATE FIELDS FROM DECEMBER 26, 2004, THROUGH JANUARY 30, 2005.**
-

John Reagan, CHRB staff, said the new version of the end-of-meet reports included comments from Board investigators, stewards and the official veterinarian. He stated there was a memorandum from Chief Investigator Frank Moore and the Board of Stewards and Board of Veterinarians. Commissioner Shapiro said the item regarding Capitol Racing (CR) stated there was no security at the restricted area of the barns, and total carbon dioxide (TCO2) testing had

not taken place at CR in 2005. Alan Horowitz of CR said his organization contracted with a union to provide security at the testing barn. Mr. Reagan said staff would get clarification on the issue. Mr. Horowitz said CR was also conducting TCO2 testing. He said he believed the memorandum referred to the detention barn, not TCO2 testing. In the fall meeting all of the stake events and late closing events were conducted out of the detention barn. The overnight races where two races were drawn at random were also required to go into the detention barn each day for the previous night. The practice was discontinued at the request of the horsemen who wanted the Board to determine the resolution of the detention barn issue. Commissioner Shapiro said it was represented to the Board that CR was maintaining a detention barn. He stated he thought CR should be using a detention barn, as that is what it claimed it would do at the time of its licensure. Commissioner Shapiro asked if CR was conducting its TCO2 testing. Mr. Horowitz said CR was doing the TCO2 testing and sending the samples to UC Davis.

MEETING ADJOURNED AT 2:15 P.M.

A full and complete transcript of the aforesaid proceedings are on file at the office of the California Horse Racing Board, 1010 Hurley Way, Suite 300, Sacramento, California, and therefore made a part hereof:

Chairman

Executive Director

STAFF ANALYSIS

April 28, 2005

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE SAN JOAQUIN FAIR AT STOCKTON JUNE 15, 2005 THROUGH JUNE 26, 2005.

San Joaquin Fair filed its application to conduct a horse racing meeting at Stockton:

- June 15 through June 26, 2005, or 10 days, the same as 2004. The fair proposes to race a total of 104 races, the same as 2004.

June - 2005						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

- Racing 5 days per week, Wednesday through Sunday, with 10 races per day the first week. Second week will have 10 races Wednesday through Friday and 12 Saturday and Sunday.
 - Number of horses available determines the number of daily races programmed by breed.
 - No racing Monday, June 20 and Tuesday, June 21.
 - June 17, 18 and 19 the fair will race concurrently with Golden Gate.
- First post 12:45 p.m. daily and 3:15 p.m. on Fridays.
 - During the overlap with Golden Gate the post time will move up seven minutes and/or be adjusted to accommodate multiple signals.
- Specific changes from the 2004 license application:
 - Robert Latzo replaces Zachary Soto as assistant racing secretary, Vicki Layne replaces Anna Hamilton as paymaster of purses and Jack Hammonds replaces Agustin Rayas as horseshoe inspector.
 - Rooms used for housing on the backstretch of the racetrack increased from 36 to 82.
- Request Darrell Sparks be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use CHRB rules.
 - Request the option of a \$1.00 wager on all exactas and trifectas.
 - \$1 pick 4 on last 4 thoroughbred races and \$2 pick 6 on last 6 thoroughbred races.
 - Early wagering will not be offered.

- Simulcasting conducted with other out-of-state racing jurisdictions pursuant to Business and Professions Code Section 19602; and with authorized locations throughout California.
- Inspection of backstretch worker housing completed.

Specific information **still needed** to complete this application includes:

FROM THE FAIR:

1. Fire clearance.
2. Name of the clerk of scales and assistant clerk of scales.

FROM CARF:

1. Horsemen's agreements for Thoroughbred and Appaloosa.
2. Name of the entity that will provide pari-mutuel audits.
3. Contract for stabling and vanning.

RECOMMENDATION:

Staff recommends the Board approve the application conditioned upon receiving the additional information necessary to conduct the racing meeting.

STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF A CALIFORNIA FAIR
CHRB-18 (Rev. 01/05)

Application is hereby made to the California Horse Racing Board (CHRB) for a license to conduct a horse racing meeting of a California fair as authorized by Article 6.5 of the California Business and Professions (B&P) Code, Chapter 4, Division 8, Horse Racing Law, and in accordance with applicable provisions and the California Code of Regulations, Title 4, Division 4, CHRB Rules and Regulations.

1. APPLICANT FAIR ASSOCIATION

- A. Name, mailing address, telephone and fax numbers of fair:

San Joaquin Fair
1658 S. Airport Way
Stockton, CA 95206
(209) 466-5041 FAX (209)466-5739

- B. Fair association is a: ☒ District Fair ☐ County Fair ☐ Citrus Fruit Fair
☐ California Exposition and State Fair ☐ Other qualified fair

NOTICE TO APPLICANT: Application must be filed not later than 90 days before the scheduled start date for the proposed meeting pursuant to CHRB Rule 1433.

2. DATES OF RACE MEETING

- A. Inclusive dates of race meeting: **June 15-26, 2005**
B. Dates racing will NOT be held: **June 20 & 21, 2005**
C. Total number of racing days: **10 days**

3. RACING PROGRAM

- A. Total number of races: **104**

- B. Number of races by breed:

<input type="text" value="72"/>	Thoroughbreds	<input type="text" value="8"/>	Quarter Horses	<input type="text" value="4"/>	Appaloosas
<input type="text" value="10"/>	Arabians	<input type="text"/>	Paints	<input type="text" value="10"/>	Mules

- C. Number of races daily:

Week #1 – 10 Races/Day

Week #2 – 10 Races/Day Wed-Fri and 12 races/day Sat-Sun

CHRB CERTIFICATION

Application received: *3/16/05*
Reviewed: *PN*

Hearing date: *4/28/05*
Approved date:
License number:

Thoroughbred	Sunday 7(8)	Monday	Tuesday	Wednesday 7	Thursday 7	Friday 7	Saturday 7(8)
Other Breeds	3(4)			3	3	3	3(4)
Total	10(12)			10	10	10	10(12)

D. Total number of stakes races by breed:

<input type="text" value="0"/> Thoroughbreds	<input type="text" value="1"/> Quarter Horses	<input type="text" value="0"/> Appaloosas
<input type="text" value="0"/> Arabians	<input type="text" value="0"/> Paints	<input type="text" value="0"/> Mules

E. Attach a listing of all stakes races and indicate the date to be run and the added money or guaranteed purse for each. **Saturday, June 25th Stockton Derby-Quarterhorse (10th running)**
\$10,000 guaranteed for three year olds 350 yards

F. Will provisions be made for owners and trainers to use their own registered colors?

☒ Yes ☐ No If no, what racing colors are to be used:

G. List all post times for the daily racing program:

	Wed-Sun	Fri
Race #1	12:45 PM	3:15 PM
Race #2	1:15 PM	3:45 PM
Race #3	1:45 PM	4:15 PM
Race #4	2:15 PM	4:45 PM
Race #5	2:45 PM	5:12 PM
Race #6	3:15 PM	5:39 PM
Race #7	3:45 PM	6:06 PM
Race #8	4:15 PM	6:33 PM
Race #9	4:45 PM	7:00 PM
Race #10	5:15 PM	7:30 PM
Race #11	5:45 PM	
Race #12	6:15 PM	

Note: Post times are for days when no overlap is in place. During overlap with Golden Gate, post times will be moved up by seven (7) minutes and/or adjusted to accommodate multiple signals.

NOTICE TO APPLICANT: Every licensee conducting a horse racing meeting shall each racing day provide for the running of at least one race limited to California-bred horses, to be known as the "California-bred race" pursuant to CHRB Rule 1813.

4. FAIR ASSOCIATION

A. Names of the fair directors:

Greg O'Leary, President; Wayne Watanabe, Vice President; Karylene Mann, Nanette Martin, Floyd Weaver, Mitch Slater, Eddie Rishwain, Dr. Thomas Streeter and Arthur Perry

B. Names of the directors serving on the Racing Committee or otherwise responsible for the conduct of the racing program: **Dr. Thomas Streeter, Nanette Martin**

- C. Name and title of the fair manager or executive officer and the names and titles of all department managers and fair staff, **other than those listed in 9B**, who will be listed in the official program:

Forrest J. White	-	Chief Executive Officer
Debbie Cook	-	Deputy Manager II
Annette Snezek	-	Pari-mutuel Coordinator
John McGary	-	Announcer & Morning Line Maker
Mike Chapman	-	Maintenance Supervisor
Jack Hatch		Stable Superintendent
Tammy McDuffie		Stewards' Aide
Steve McCollum	-	Satellite Supervisor

5. PURSE PROGRAM

- A. Estimated purse distribution:

1. All races other than stakes: **\$990,000**
2. Overnight stakes: **-0-**
3. Non-overnight stakes: **\$10,000**

- B. Estimated funds to be generated for all California-bred incentive awards: **\$75,530**

- C. Estimated amount of payment to each recognized horsemen's organization contracting with the fair and the name(s) of the organization(s):

Recognized Horsemen's Organization	Estimated Payment
CTT	\$2,360
TOC	\$4,721
NTRA	\$7,041
PCQHRA	\$1,817
CWAR	\$ 987
ARAC	\$5,400
AMRA	\$5,227
CHBPAPEN	\$7,081
CTHF	<u>\$7,081</u>
TOTAL	\$41,715

- D. Total estimated amount from **all sources** to be distributed at the meeting in the form of purses or other benefits to horsemen: **\$1,117,245**
- E. Estimated purse funds to be generated from on-track handle and intrastate off-track handle: **\$736,088**
- F. Estimated purse funds to be generated from interstate handle: **\$86,292**
- G. Bank and account number for the Paymaster of Purses' purse account:
West American Bank – Account No. 601064512
- H. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting:
Out for bid by CARF

NOTICE TO APPLICANT: All funds generated and retained from on-track pari-mutuel handle which are obligated by law for distribution in the form of purses, breeders' awards or other benefits to horsemen, **shall not** be deemed as income to the fair and **shall**, within 3 calendar days following receipt, be deposited in a segregated and separate liability account in a depository approved by the CHRB and shall be at the disposition of the Paymaster of Purses, who shall pay or distribute such funds to the persons entitled thereto. All funds generated from off-track simulcast wagering, interstate wagering, and out-of-state wagering which are obligated by law for distribution in the form of purses and breeders' awards, shall also be deposited within 3 calendar days following receipt into such liability account. In the event the fair is obligated to the payment of purses prior to those obligated amounts being retained from pari-mutuel wagering for such purpose, or as a result of overpayment of earned purses at the conclusion of the meeting, the fair shall transfer from its own funds such amounts as are necessary for the Paymaster of Purses to distribute to the horse owners statutorily or contractually entitled thereto. The fair is entitled thereafter to recover such transferred funds from the Paymaster of Purses' account; and if insufficient funds remain in the account at the conclusion of the meeting, the fair is entitled to carry forward the deficit to its next succeeding meeting as provided by B&P Code Section 19615(c) or (d). In the event of **underpayment** of purses which results in a balance remaining in the Paymaster of Purses' account at the conclusion of the meeting after distribution of amounts due to horsemen and breeders and horsemen's organizations, the fair may carry forward the surplus amount to its next succeeding meeting; provided, however, that the amount so retained does not exceed an amount equivalent to the average daily distribution of purses and breeders' awards during the meeting. All amounts in excess shall be distributed retroactively and proportionally in the form of purses and breeders' awards to the horse owners and breeders having earned purses or awards during the conduct of the meeting.

6. STABLE ACCOMMODATIONS

- A. Number of usable stalls available for racehorses at the track where the meeting is held:
695 permanent stalls plus 100 portable stalls
- B. Minimum number of stalls believed necessary for the meeting: **1,795**
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers: **2,084**
- D. Name and location of each off-site auxiliary stabling area and the number of stalls to be maintained at each site: **Alameda County Fair 684 Golden Gate Fields 1400**
- E. Attach each contract or agreement between the fair and the person(s) furnishing off-site stabling accommodations for eligible racehorses that cannot be provided stabling on-site.
Northern California Stabling and Vanning Fund

Complete subsections F through I if the fair will request reimbursement for off-site stabling as provided by B&P Code Sections 19607, 19607.1, 19607.2, and 19607.3; otherwise, skip to Section 7.

- F. Total number of usable stalls made available **on-site** for the **1986** meeting:
695 permanent plus 200 portable
- G. Estimated cost to provide **off-site** stalls for this meeting. Show cost per-day per stall:
Northern California Stabling and Vanning Fund
- H. Estimated cost to provide **vanning** from off-site stalls for this meeting. Show fees to be paid for vanning **per-horse**: **-0-**

7. PARI-MUTUEL WAGERING PROGRAM

- A. Pursuant to B&P Code Section 19599, and with the approval of the CHRB, fairs may elect to offer wagering programs using CHRB Pari-mutuel Rules, the Association of Racing Commissioners

International (RCI) Uniform Rules of Racing, Chapter 9, Pari-mutuel Wagering, or a combination of both. Please complete the following schedule for the types of wagering other than WPS and the minimum wager amount for each:

Use DD for daily double, E for exacta (special quinella), PK3 for pick three, PK4 for select four, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for superfecta, and TRI for trifecta.

	TYPE OF WAGERS	APPLICABLE RULES
Example Race	\$1 E; \$2 Twin Trifecta	CHRB #1959; RCI #VP
Race #1	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF	CHRB#1959,1977,1979,1958,1957,1979.1
Race #2	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF	CHRB#1959,1977,1979,1958,1957,1979.1
Race #3	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF	CHRB#1959,1977,1979,1958,1957,1979.1
Race #4	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF,\$2PNP*	CHRB#1959,1977,1979,1958,1957,1979.1,1976.9
Race #5	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF,\$2PNP*	CHRB#1959,1977,1979,1958,1957,1979.1,1976.9
Race #6	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF,\$2PNP*	CHRB#1959,1977,1979,1958,1957,1979.1,1976.9
Race #7	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF,\$2PNP*	CHRB#1959,1977,1979,1958,1957,1979.1,1976.9
Race #8	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF,\$2PNP*	CHRB#1959,1977,1979,1958,1957,1979.1,1976.9
Race #9	\$1E,\$1PK3,\$1TRI,\$2Q,\$2DD,\$1SF,\$2PNP*	CHRB#1959,1977,1979,1958,1957,1979.1,1976.9
Race #10	\$1E,\$1PK3,\$1PK4,*,\$1TRI,\$2Q,\$2DD,\$1SF	CHRB#1959,1977,1978,1979,1958,1957,1979.1
Race #11	\$1E,\$1TRI,\$2Q,\$2DD,\$1SF	CHRB#1959,1979,1958,1957,1979.1
Race #12	\$1E,\$1TRI,\$2Q,\$2DD,\$1SF	CHRB#1959,1979,1958,1957,1979.1

\$1PK4 on last 4 thoroughbred races

\$2PNP* pick 6 on last 6 thoroughbred races

- B. Maximum carryover pool to be allowed to accumulate before its distribution OR the date(s) designated for distribution of the carryover pool: **Last day of Meet – June 26, 2005**
- C. List any options requested with regard to exotic wagering:
Request the option of \$1.00 wager on all exactas and trifectas
- D. Will "advance" or "early bird" wagering be offered? ☐ Yes ☒ No
If yes, when will such wagering begin:
- E. Type(s) of pari-mutuel or totalizator equipment to be used by the fair and the simulcast organization, the name of the person(s) supplying equipment, and expiration date of the service contract: **Scientific Games Racing/Autotote, David Payton – September 30, 2005**
Equipment description on file with the Board

8. SIMULCAST WAGERING PROGRAM

- A. Simulcast organization engaged by the fair to conduct simulcast wagering:
California Authority of Racing Fairs
Northern California Off-Track Wagering, Inc. (NOTWINC)
- B. Attach the agreement between the fair and simulcast organization permitting the organization to use the fair's live audiovisual signal for wagering purposes and providing access to its totalizator for the purpose of combining on-track and off-track pari-mutuel pools.

- C. California simulcast facilities the fair proposes to offer its live audiovisual signal:
All California facilities authorized to accept the signal.
- D. Out-of-state wagering systems the fair proposes to offer its live audiovisual signal:
Attached
- E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the fair:
Attached
 - 1. Include a list of out-of-state sites with the percentage the fair is charging the site for the simulcasting activity.
- F. List the host tracks from which the fair proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":
Attached

NOTICE TO APPLICANT: B&P Code Section 19596.2(a) stipulates that on days when live thoroughbred or fair racing is being conducted in the state, the number of thoroughbred races which may be imported by an association or fair during the calendar period the association or fair is conducting its racing meeting cannot exceed a combined daily total of 23 imported thoroughbred races statewide. The limitation of 23 imported thoroughbred races per day statewide does not apply to those races specified in B&P Code Section 19596.2(a)(1), (2), (3) and (4).

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
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- G. List imported simulcast races the fair plans to receive during the racing meeting which use breeds other than the breed of the majority of horses racing at its live horse racing meeting. Include the name of the host track, the dates imported races will be held, and how many races will be imported:
N/A

OTHER BREED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Breed of Horse	Race Dates	Number of Races to be Imported
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- H. If any out-of-state or out-of-country races will commence outside of the time constraints set forth in B&P Code Section 19596.2(d), attach a copy showing agreement by the appropriate racing association(s). **To be submitted**

NOTICE TO APPLICANT: All interstate wagering to be conducted by a fair is subject to the provisions of Title 15, United States Codes, which require specific **written** approval of the CHRB and of the racing commission having jurisdiction in the out-of-state venue. All international wagering to be conducted by a fair is subject to the provisions of B&P Code Sections 19596, 19596.1, 19596.2, 19601, 19602, and 19616.1, and will require specific written approval of the CHRB.

Every fair shall pay to the simulcast organization within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained from off-track simulcast wagering, interstate and out-of-state wagering and which are obligated by statute for guest commissions, simulcast operator's expenses and promotions, equine research, local government in-lieu taxes, and stabling and vaning deductions. Every fair shall pay to its Paymaster of Purses' account within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained or obligated from off-track simulcast wagering, interstate and out-of-state wagering for purses, breeders' awards or other benefits to horsemen. (See

2005 Northern California Racing Fairs - Simulcast Department

8. SIMULCAST WAGERING PROGRAM

- D. Out-of-state wagering systems the fair proposed to offer its live audiovisual signal.
- E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the fair.

Prepared: 4/15/05

Separate:

Caliente (MIR)	CA
Caymanas Park	JAM
Fraser Downs	CAN
Hastings Entertainment Inc.	BC
Las Vegas Dissemination Co.	NV
Stevenson & Associates, Inc.	MD
Teletheatre BC	CA
Woodbine Entertainment Group	CAN

Commingled:

America Tab	OH
AmWest Entertainment	KY
Arapahoe Park	CO
Arlington International Racecourse	IL
Atlantic City Casino Assn.	NJ
Atlantic City Race Course	NJ
Atlantis Paradise Island Casino	FL
Atokad Downs	NE
Balmoral Park / Maywood	IL
Beulah Park	OH
Birmingham Race Course	AL
Blue Ribbon Downs	OK
Bluffs Run Greyhound Park & Casino	IA
Boyd Gaming, dba Delta Downs	LA
Buffalo Trotting Association	NY
Calder Race Course	FL
Canterbury Park	MN
Capital District OTB	NY
Capitol Sports Pty Ltd.	AUS
Catskill OTB	NY
Charles Town Races	WV
Choctaw Racing Services, LLC	OK
Churchill Downs	KY
Coeur d' Alene Casino	ID
Coeur d' Alene Casino Phone	ID
Coeur d' Alene Greyhound Park	ID
Colonial Downs	VA
Columbus Races	NE
Comanche Nation Games	OK
Connecticut OTB	CT
Corpus Christi Greyhound Race Track	TX
Crystal Palace Casino	BAH
Dairyland Greyhound Park	WI
Delaware Park	DE
Dover Downs	DE
Downs at Albuquerque	NM
Ellis Park	KY
Emerald Downs	WA
Equus St Thomas Racing	VI
Euro Off Track	FL
European Simulco AKA MEC Sport & Entertainment	CA
Evangeline Downs	LA

Excelsior Casino	AR
Fair Grounds Race Course	LA
Fair Meadows at Tulsa	OK
Fairmount Park	IL
Finger Lakes Race Track	NY
Fire Lakes	OK
Fonner Park	NE
Freehold Raceway	NJ
Geneva Lakes Kennel Club	WI
Gillespie County Fair Race Meet	TX
Great Lakes Downs	MI
Gulf Greyhound Park	TX
Gulf Greyhound Park @ Post Falls	ID
Gulfstream Park	FL
Harrington Raceway AKA Midway Slots	DE
Hawthorne National LLC	IL
Hazel Park	MI
Hinsdale Greyhound Park	NH
Hoosier Park	IN
Horsemen's Park	NE
Indiana Downs	IN
International All Sports	OH
International Wagering Sytems, Inc.	CA
Jackson Harness Raceway	MI
Keeneland Association	KY
Kentucky OTB	KY
LVDC Atlantis Paradise Island Casino, Bahamas	NV
LVDC Cities of Gold Sports Bar (Pojoaque), NM	NV
LVDC Comanche Nation Games, OK	NV
LVDC Elite Turf Club, Curacao	NV
LVDC Fire Lakes Entertainment	NV
LVDC Foxwoods Resorts Casino, CT	NV
LVDC Holiday Beach, Cuaraco	NV
LVDC Meskwaki Bingo & Casino, IA	NV
LVDC Red River Casino, OK	NV
LVDC Spirit Mountain Casino, OR	NV
LVDC The Stables, OK	NV
LVDC Tonkawa Bingo, OK	NV
Lebanon Raceway	OH
Les Bois Park Simulcast Network	ID
Lewiston Raceways, Inc.	ME
Lien Games, Inc.	ND
Lincoln Greyhound Park	RI
Lone Star Race Park Ltd.	TX
Louisiana Downs (Harrah's)	LA
Manor Downs	TX
Maryland Jockey Club	MD
Midway Slots & Simulcast/Harrington Raceway	DE
Montana Simulcast Partners	MT
Monticello Raceway	NY
Mount Pleasant Meadows	MI
Mountaineer Park	WV
Nassau/Suffolk OTB	NY
Nevada Pari-Mutuel Association	NV
New Jersey Sports & Exposition Authority	NJ
New York City Off-Track Betting	NY
New York Racing Association	NY
Newport Jai-Alai	RH
Northfield Park	OH
Northville Downs	MI
Oaklawn Park	AR
Ocean Downs	MD
Penn National Race Course	PA
Philadelphia Park	PA
Plainridge Race Course	MA
Pocono Downs	PA

Portland Meadows	OR
Prairie Meadows	IA
Raceway Park	OH
Racing & Gaming Services, Inc.	WI
Remington Park	OK
Retama Park	TX
River Downs	OH
Rockingham Park	NH
Rosecroft Raceway	MD
Royal River Racing (Bettor Racing OTB)	ID
Ruidoso Downs	NM
Saginaw Harness Raceway	MI
Sam Houston Race Park, LTD	TX
Saratoga Raceway	NY
Scarborough Downs	ME
Scioto Downs	OH
Seabrook Greyhound	NH
Southland Greyhound Park	AR
Sports Creek Raceway	MI
State Fair Park	NE
Stevenson & Associates, Inc. (Common)	MD
Stevenson & Associates, Inc., Books	MD
Suffolk Downs	MA
Suffolk Downs OTB	MA
Sunland Park	NM
SunRay Park	NE
Tampa Bay Downs	FL
The Greyhound Park at Post Falls	ID
The Meadows	PA
The Racing Channel, Inc. (Domestic)	OR
The Racing Network International, Inc.	OR
The Texas Hub at Gulf Greyhound	TX
Thistledown Racing	OH
Tri-State Racetrack & Gaming Center	WV
Turf Paradise	AZ
Turfway Park	KY
TVG Network	CA
U.S. Off Track, LLC	FL
Valley Greyhound Park (Sam Houston site)	TX
Vernon Downs	NY
Western Regional OTB	NY
Wheeling Downs	WV
Wichita Greyhound Park	KS
Wonderland Greyhound Park	MA
Woodlands	KS
Wyoming Downs Rodeo Events, LLC dba PONYUPBET	WY
Wyoming OTB	WY
XpressBet, Inc	CA
Yavapai	AZ
Yonkers Raceway	NY
Youbet	CA
Zia Park Racetrack	NM

2005 Northern California Racing Fairs

8. SIMULCAST WAGERING PROGRAM

- F. List the host tracks from which the fair proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Arlington Park	6/15 - 9/18/05	Full or Partial Cards
Assiniboia Downs	6/15 - 10/16/05	Full or Partial Cards
Australia	6/15 - 10/16/05	Full or Partial Cards
Calder	6/15 - 10/16/05	Full or Partial Cards
Canterbury Park	6/15 - 9/5/05	Full or Partial Cards
Churchill Downs	6/15 - 7/10/05	Full or Partial Cards
Delaware Park	6/15 - 10/16/05	Full or Partial Cards
Ellis Park	7/13 - 9/5/05	Full or Partial Cards
Fort Erie	6/15 - 10/16/05	Full or Partial Cards
Hastings Park	6/15 - 10/16/05	Full or Partial Cards
Hawthorne	9/23 - 10/16/05	Full or Partial Cards
Hoosier Park	6/15 - 10/16/05	Full or Partial Card
Laurel Park	8/10 - 8/26/05	Full or Partial Cards
Lone Star	6/15 - 7/17/05	Full or Partial Cards
Louisiana Downs	6/15 - 10/16/05	Full or Partial Cards
Meadowlands	9/30 - 10/16/05	Full or Partial Cards
Monmouth Park	6/15 - 10/16/05	Full or Partial Cards
Northlands Park	6/15 - 10/16/05	Full or Partial Cards
NYRA	6/15 - 10/16/05	Full or Partial Cards
Penn National	6/15 - 10/16/05	Full or Partial Cards
Philadelphia Park	6/15 - 10/16/05	Full or Partial Cards
Pimlico	9/8 - 10/16/05	Full or Partial Cards
Prairie Meadows	6/15 - 10/16/05	Full or Partial Cards
Remington Park	8/5 - 10/16/05	Full or Partial Cards
Suffolk Downs	6/15 - 10/16/05	Full or Partial Cards
Thistledown	6/15 - 10/16/05	Full or Partial Cards
Timonium	8/27 - 10/16/05	Full or Partial Cards
Turfway Park	9/7 - 10/16/05	Full or Partial Cards
Woodbine	6/15 - 10/16/05	Full or Partial Cards

Notice to Applicant, Section 5.)

9. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT**A. Racing officials nominated:**

Association Veterinarian(s)	D.V.M. Henry Cook
Assistant Clerk of Scales	T.B.A.
Clerk of Scales	T.B.A.
Clerk of the Course	Dawn Schmid-Thoroughbreds
	Dolores Collins-Emerging Breeds
Film Specialist	Cheryl White
Horse Identifier	Darrell Sparks
Horseshoe Inspector	Jack Hammonds
Paddock Judge	Joe Gibson
Patrol Judges	Joe Gibson, Cheryl White
Placing Judges	Danny Winick, Mathew Nichols
Starter	Robert Mooneyhan
Timer	Melody Truitt

B. Management officials in the racing department:

Director of Racing	Forrest J. White
Racing Secretary	Bob Moreno
Assistant Racing Secretary	Robert Latzo
Paymaster of Purses	Vicki Layne
Others (identify by name and title)	

C. Name, address and telephone number of the reporter employed to record and prepare transcripts of hearings conducted by the stewards:

Kelly Girl, 723 N. Main Street, Manteca, CA 95336 (209)823-9356

D. Photographic device to be used for photographing the finish of all races, name of the person supplying the service, and expiration date of the service contract:

Plusmic Corp, USA, Bill O'Brien – December 7, 2007

E. Photopatrol video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract. Specify the number and location of cameras for dirt and turf tracks.

Pegasus Communications, Inc. (Jim Porep) April 30, 2008

Equipment description on file with the Board 5 cameras, (3 tower, 1 pan, 1 hand held)

F. Type of electronic timing device to be used for the timing of all races, name of the person supplying the service, and expiration date of the service contract: Permanently installed system – laser

Pegasus Communications, Inc. (Jim Porep) - April 30, 2008

10. SECURITY CONTROLS**A. Name and title of the person responsible for security controls on the premises. Include an organizational chart of the security department and a list of the names of security personnel and contact telephone numbers. Attached**

- B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis: **Stable area gate persons – 7; Stable area patrol – 2; Grandstand Security guards - 8**
1. Attach a written plan for enhanced security for graded/stakes races. **N/A**
 2. Attach a written plan for enhanced surveillance of barns.
- C. Describe the electronic security system. The Grandstand has a complete electronic system **Including cameras, motion and contact security measure.**

11. EMERGENCY SERVICES

- A. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:
American Medical Response, 888 E. Lindsay St., Stockton, CA 95202 (209)948-5136
- B. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites:
- | | |
|---|-----------------------|
| Alameda County Fair, American Medical Response | (510) 895-7600 |
| 640 – 143rd Ave., San Leandro, CA 94577 | |
| Golden Gate Fields, Turf Rescue LLC | (510) 581-8470 |
| 19615 Barclay Road, Castro Valley, CA 94546 | |
- C. Attach a fire clearance from the fire authority having jurisdiction over the premises.
State Fire Marshal will forward a fire clearance prior to the opening of the Fair and after installation of portable stalls.
- D. Attach a Certificate of Insurance for workers' compensation coverage. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of insurance that secures the liability of the fair for payment of workers' compensation. **Attached**

12. CONCESSIONAIRES AND SERVICE CONTRACTORS

Names and addresses of all persons to whom a concession or service contract has been given, **other than those already identified**, and the goods and/or services to be provided by each:

Ovations/FanFare LP
4501 Pleasanton Ave., Pleasanton, CA 94566

Food, Alcoholic & Non-alcoholic beverage vendor

Patricia Visco
3015 E. Bayshore Freeway #422, Redwood City, CA 94603

Winner's Circle Photos

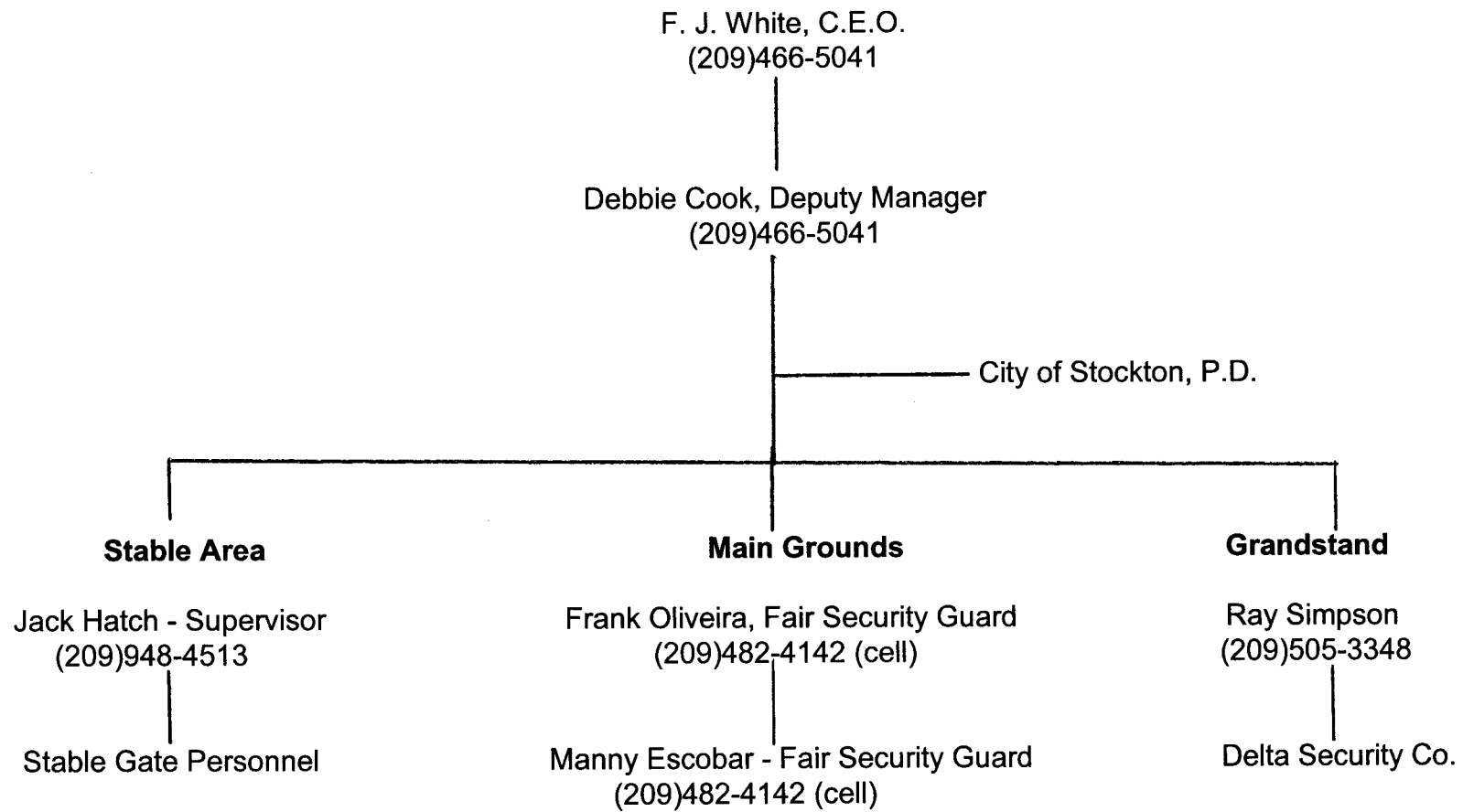
Speeda Sound
3279 W. Susset Way, Fresno, CA 93772

Racing Grandstand sound system

Lorene Dutton
3262 Vineyard Ave., Pleasanton, CA 94566

Jockey's Laundry

10 a.





March 16, 2005

To: California Horse Racing Board (CHRB)
Attn: Pat Noble
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Re: San Joaquin Fair/2nd DAA
1658 S. Airport Way
Stockton, CA 95206

Please be advised that the San Joaquin Fair/2nd DAA is a member of the California Fair Services Authority (CFSA), and participates in the following self-insurance and loss pooling programs which are administered by CFSA:

I. COMPREHENSIVE GENERAL LIABILITY PROGRAM

Limit \$10 million CSL per occurrence
Coverage continuous until cancelled

II. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

- A. Primary Coverage \$500,000 self-insured retention California Fair Services Authority
Coverage continuous until cancelled
- B. Excess Coverage (a) Workers' Compensation: \$50,000,000 in excess of \$500,000
(b) Employers' Liability: \$10,000,000 in excess of \$500,000
Coverage provided by California Public Entity Insurance Authority
Term: 07/01/2004 to 07/01/2005

CFSA represents to CHRB that within the above limits, terms and provisions of the coverage stated, to the extent provided by law, CFSA will provide defense, payment, and indemnification on loss funding in accordance with the terms of the contractual assumption of the San Joaquin Fair/2nd DAA as set forth in CHRB's "Insurance Requirements".

You will be given at least thirty (30) days notice of any change in the foregoing information. We trust that this commitment will satisfy your insurance requirements.

Please feel free to contact this office on all matters including possible claims.

Sincerely,

Lianne Lewellen
Risk Analyst

NOTWINC
11875 Dublin Blvd., Dublin, CA 94568

Armored Car Service

Daily Racing Form
100 Broadway, New York, NY 10005

Program Printing & Delivery

United/Puett Start Gate Co., (Michael Costello)
1 Soundview Loop, South Salem, NY 10590

Starting Gate

Silver Bar Leasing, Albert Foote, President
3445 S. Fruit, Fresno, CA 93706

Portable Stalls

Nikki's Secrets, Jan Reed
P. O. Box 70207, Pt. Richmond, CA 94807-0207

Tip Sheets

13. ON-TRACK ATTENDANCE/FAN DEVELOPMENT

- A. Estimated advertising budget for meeting:
- B. Describe any promotional plans and estimated budget for each promotional activity for meeting:
- C. Number of hosts and hostesses employed for meeting: **10**
- D. Describe facilities set aside for new fans: Fan education kiosk with attendants and **Educational giveaways**
- E. Describe any improvements to the physical facility in advance of the meeting that directly benefits:
 - 1. Horsemen - **none in 2005**
 - 2. Fans - **new rod iron fencing around apron**
 - 3. Facilities in the restricted areas - **remodeled vets office and evidence/sample room**

14. SCHEDULE OF CHARGES

- A. Proposed charges, note any changes from previous year:

Admission (general)	\$8.00 adult	\$5.00 child
Admission (clubhouse)	N/A	
Reserved seating (general)	N/A	
Reserved seating (clubhouse)	N/A	
Parking (general)	\$5.00	
Parking (preferred)	\$7.00	
Parking (valet)	N/A	
Programs (on-track)	\$1.00	
(off-track)	\$2.00	

- B. Describe any "Season Boxes" or other special accommodation fees:

All box seats are sold out in advance.

- C. Describe any "package" plans such as combined parking, admission and program: **None**

15. JOCKEYS' QUARTERS

- A. Check the applicable amenities available in the jockeys' quarters:

<input type="checkbox"/> Corners (lockers and cubicles)	How many	<input type="text" value="25"/>
<input type="checkbox"/> Showers	<input type="checkbox"/> Steam room, sauna or steam cabinets	<input type="checkbox"/> Lounge area
<input type="checkbox"/> Masseur	<input type="checkbox"/> Food/beverage service	<input type="checkbox"/> Certified platform scale

- B. Describe the quarters to be used for female jockeys: 14' x 30' modular facility with three **Dressing stalls, three showers, two toilets, lounge area, one steam bath and three sinks.**

16. BACKSTRETCH EMPLOYEE HOUSING

- A. Inspection of backstretch housing was completed by **Chief Investigator Frank Moore on March 21, 2005.**

- B. Number of rooms used for housing on the backstretch of the racetrack: **82**

- C. Number of restrooms available on the backstretch of the racetrack:
5 Restroom facilities containing toilets and showers

- D. Estimated ratio of restrooms to the number of backstretch personnel:
1 restroom facility per 100 people (each restroom contains 4 toilets)

17. TRACK SAFETY

- A. Total distance of the racecourse - measured from the finish line counterclockwise (3' from the inner railing) back to the finish line: feet.

- B. Describe the type(s) of materials used for the inner and outer railings of the race course, the type of inner railing supports (i.e., metal gooseneck, wood 4" x 4" uprights, offset wood 4" x 4" supports, etc.), the coverings, if any, on the top of the inner railing, and the approximate height of the top of the inner railing from the level of the race course.

Outer rail comprised of 3" aluminum posts with 3" aluminum railing on top at a height of 40" (a portion of the outside rail is chain link fence). A sterline inner rail is made up of offset galvanized posts with extended aluminum railing on top at a height of 42" with an overhang of 24".

- C. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474: **Track Master (Steve Wood)**

- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474.
- E. If the fair is requesting approval to implement alternate methodologies to the provisions of Article 3.5, Track Safety Standards, pursuant to CHRB Rule 1471, attach a Certificate of Insurance for liability insurance which will be in force for the duration of the meeting specified in Section 2. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of liability insurance. Additionally, the CHRB must be listed as additionally insured on the liability policy at a minimum amount of \$3 million per incident. The liability insurance certificate must be on file in the CHRB headquarters office prior to the conduct of any racing.

18. DECLARATIONS

- A. All labor agreements, concession and service contracts, and other agreements necessary to conduct the entire meeting have been finalized except as follows (if no exceptions, so state):
Horsemen agreements pending
- B. Attach each horsemen's agreement pursuant to CHRB Rule 2044.
Negotiations pending
- C. All service contractors and concessionaires have valid state, county or city licenses authorizing each to engage in the type of service to be provided and have valid labor agreements, when applicable, which remain in effect for the entire term of the meeting except as follows (if no exceptions, so state): No exceptions
- D. Absent natural disasters or causes beyond the control of the fair, its service contractors, concessionaires or horsemen participating at the meeting, no reasons are believed to exist that may result in a stoppage to racing at the meeting or the withholding of any vital service to the fair except as follows (if no exceptions, so state): No exceptions

NOTICE TO APPLICANT Pursuant to CHRB Rules 1870 and 1871, the CHRB shall be given 15 days' notice in writing of any intention to terminate a horse racing meeting or the engagements or services of any licensee, approved concessionaire, or approved service contractor.

19. CERTIFICATION BY APPLICANT

I hereby certify under penalty of perjury that I have examined this application, that all of the foregoing statements in this application are true and correct, and that I am authorized by the fair to attest to this application on its behalf.

FORREST J. WHITE
Print Name

C. EO.
Print Title


Signature

3-16-05
Date

STAFF ANALYSIS

April 28, 2005

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF THE ALAMEDA COUNTY FAIR AT PLEASANTON JUNE 29, 2005 THROUGH JULY 10, 2005.

Alameda County Fair filed its application to conduct a horse racing meeting at Pleasanton:

- June 29 through July 10, 2005, or 11 days, the same as 2004. The fair proposes to race a total of 120 races, the same as 2004.

June - 2005						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

July - 2005						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 H	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

- Racing Wednesday through Monday the first week and Wednesday through Sunday the second week. 10 races per day Wednesday, Thursday and Friday and 12 Monday, Saturday and Sunday.
 - Number of horses available determines the number of daily races programmed by breed.
 - No racing Tuesday, July 5.
- First post 12:15 p.m.
- Specific changes from the 2004 license application:
 - Bob Moreno replaces Greg Brent as racing secretary and Vicki Layne replace Anna Hamilton as paymaster of purses.
- Request Patrick Kealy be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use CHRB rules.
 - Early wagering will not be offered.
- Simulcasting conducted with other out-of-state racing jurisdictions pursuant to Business and Professions Code Section 19602; and with authorized locations throughout California.
- Inspection of backstretch worker housing completed.

Specific information **still needed** to complete this application includes:

FROM THE FAIR:

1. Fire clearance.

FROM CARF:

1. Horsemen's agreements for Thoroughbred and Appaloosa.
2. Name of the entity that will provide pari-mutuel audits.
3. Contract for stabling and vanning.

RECOMMENDATION:

Staff recommends the Board approve the application conditioned upon receiving the additional information necessary to conduct the racing meeting.

STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF A CALIFORNIA FAIR
CHRB-18 (Rev. 01/05)

Application is hereby made to the California Horse Racing Board (CHRB) for a license to conduct a horse racing meeting of a California fair as authorized by Article 6.5 of the California Business and Professions (B&P) Code, Chapter 4, Division 8, Horse Racing Law, and in accordance with applicable provisions and the California Code of Regulations, Title 4, Division 4, CHRB Rules and Regulations.

1. APPLICANT FAIR ASSOCIATION

A. Name, mailing address, telephone and fax numbers of fair:

Alameda County Fair Association
4501 Pleasanton Avenue
Pleasanton, CA 94566
925-426-7600 925-426-7699 (Fax)

B. Fair association is a: ☐ District Fair ☒ County Fair ☐ Citrus Fruit Fair
☐ California Exposition and State Fair ☐ Other qualified fair

NOTICE TO APPLICANT: Application must be filed not later than 90 days before the scheduled start date for the proposed meeting pursuant to CHRB Rule 1433.

2. DATES OF RACE MEETING

A. Inclusive dates of race meeting: **June 29, 2005 – July 10, 2005**

B. Dates racing will NOT be held: **July 5, 2005**

C. Total number of racing days: **11**

3. RACING PROGRAM

A. Total number of races: **120**

B. Number of races by breed:

<input type="text" value="87"/>	Thoroughbreds	<input type="text" value="8"/>	Quarter Horses	<input type="text" value="6"/>	Appaloosas
<input type="text" value="11"/>	Arabians	<input type="text" value="0"/>	Paints	<input type="text" value="8"/>	Mules

C. Number of races daily:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Thoroughbred	9	9	-	7	7	7	9
Other Breeds	3	3	-	3	3	3	3
Total	12	12	-	10	10	10	12

CHRB CERTIFICATION

Application received: **4/4/05**
Reviewed: **PN**

Hearing date: **4/28/05**
Approved date:
License number:

D. Total number of stakes races by breed:

<input type="text" value="5"/>	Thoroughbreds	<input type="text" value="2"/>	Quarter Horses	<input type="text" value="0"/>	Appaloosas
<input type="text" value="2"/>	Arabians	<input type="text" value="0"/>	Paints	<input type="text" value="0"/>	Mules

E. Attach a listing of all stakes races and indicate the date to be run and the added money or guaranteed purse for each.

THOROUGHBRED:

Alameda County Fillies and Mares Handicap – 37th Running \$50,000 Guar. Mon. July 4
Fillies and Mares 3 years old and upward – 1 1/16 Miles

Sam J. Whiting Memorial Handicap – 43rd Running \$50,000 Guar. Sat. July 9
3-year olds and upward – 6 Furlongs

Alamedan Handicap – 40th Running \$50,000 Guar. Sun. July 10
3-year olds and upward 1 1/16 Miles

The rest of the proposed stakes will be overnight stakes.

QUARTER HORSE:

P.C.Q.H.R.A. Handicap – 36th Running \$10,000 Guar. Sat. July 2
3-year olds and upward, 350 yards

Jack Robinson Handicap – 32st Running \$10,000 Guar. Sun. July 10
3-year olds and upward, 870 yards

ARABIAN:

Pleasanton Arabian Distaff – 6th Running \$10,000 Guar. Mon. July 4
Fillies and Mares 3- years old and upward – 5 ½ Furlongs

Pleasanton Arabian Handicap – 10th Running \$10,000 Guar. Sat. July 9
3-years old and upward – 5 ½ Furlongs

THOROUGHBRED OVERNIGHT STAKES

Juan Gonzalez Memorial Stakes – 27th Running \$40,000 Added Sat. July 2
Fillies 2-years old – 5 Furlongs (Plus up to \$12,000 for Cal-Breds)

Everett Nevin Alameda County Futurity – 44th Running \$50,000 Added Sun. July 3
2-year olds bred in California – 5 Furlongs (Inc. \$10,000 from Cal-Bred Race Fund)

F. Will provisions be made for owners and trainers to use their own registered colors?

☒ Yes ☐ No If no, what racing colors are to be used:

G. List all post times for the daily racing program:

PROPOSED DAILY RACING PROGRAM

Race Number	Weekdays	Weekends & July 4th
Race # 1	12:15 p.m.	12:15 p.m.
Race # 2	12:47 p.m.	12:47 p.m.
Race # 3	1:20 p.m.	1:17 p.m.
Race # 4	1:52 p.m.	1:49 p.m.
Race # 5	2:24 p.m.	2:20 p.m.
Race # 6	2:56 p.m.	2:50 p.m.
Race # 7	3:35 p.m.	3:22 p.m.
Race # 8	4:04 p.m.	3:52 p.m.
Race # 9	4:32 p.m.	4:22 p.m.
Race # 10	5:02 p.m.	4:52 p.m.
Race # 11		5:25 p.m.
Race # 12		5:48 p.m.

☛ *As much as possible, we intend to align our post times to compliment the Hollywood Park post times*

NOTICE TO APPLICANT: Every licensee conducting a horse racing meeting shall each racing day provide for the running of at least one race limited to California-bred horses, to be known as the "California-bred race" pursuant to CHRB Rule 1813.

4. FAIR ASSOCIATION**A. Names of the fair directors:**

Lil Arnerich	Patsy Gilbert	Michael Nieto	Arthur Scott	Dewitt Wilson
Sherman Balch	John Innes	Patrick O'Brien	Richard Sealana	Ario Ysit
Keith Boyer	Patricia Ising	Anthony Pegram	Billie Sherwood	
Nell Barnett	Evelyn Johnson	John Penna	Pete Snyder	
Jim Coelho	Tim Koopmann	Pete Ruggeri	Anthony Varni	
Jackie Courtright	Tony Macchiano	Tracy Saia	Naomi Wallace	

B. Names of the directors serving on the Racing Committee or otherwise responsible for the conduct of the racing program:

Keith Boyer	Evelyn Johnson	Richard Sealana	Dewitt Wilson	
Jim Coelho	Tracy Saia	Billie Sherwood	Ario Ysit	
John Innes	Arthur Scott	Naomi Wallace		

C. Name and title of the fair manager or executive officer and the names and titles of all department managers and fair staff, other than those listed in 9B, who will be listed in the official program:

Name	Title
Rick K. Pickering	C.E.O. and Director of Racing
Randy Magee	C.F.O.
Tony Macchiano	President, Board of Directors
Bob Moreno	Racing Secretary
Billie Sherwood	Chairman, Satellite/Racing Committee
Jeanne Wasserman	Satellite Manager
Toni Applebee	Racetrack Superintendent/Maintenance
Bryan Wayte	Mutual Manager
John McGary	Announcer

5. PURSE PROGRAM

A. Estimated purse distribution:

1. All races other than stakes: **\$1,277,500**
2. Overnight stakes: **\$ 130,000 (Includes \$10,000 from C.T.B.A.)**
3. Non-overnight stakes: **\$ 150,000**

B. Estimated funds to be generated for all California-bred incentive awards: **\$127,065**

C. Estimated amount of payment to each recognized horsemen's organization contracting with the fair and the name(s) of the organization(s):

Recognized Horsemen's Organization	Estimated Payment
CTT	\$ 4,759
TOC	\$ 9,519
NTRA	\$ 21,230
PCQHRA	\$ 1,080
CWAR	\$ 866
ARAC	\$ 4,711
AMRA	\$ 6,035
CHBPAPEN	\$ 14,278
CTHF	\$ 14,278
TOTAL	\$ 76,756

D. Total estimated amount from **all sources** to be distributed at the meeting in the form of purses or other benefits to horsemen: **\$1,761,321 plus performance purses***

(*Amount dependent on number of starters and amount paid per starter)

E. Estimated purse funds to be generated from on-track handle and intrastate off-track handle: **\$983,292**

F. Estimated purse funds to be generated from interstate handle: **\$197,368**

G. Bank and account number for the Paymaster of Purses' purse account: **West America Bank (C.A.R.F.) Account No: 0601064512**

H. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting: **Out to bid through C.A.R.F.**

NOTICE TO APPLICANT: All funds generated and retained from on-track pari-mutuel handle which are obligated by law for distribution in the form of purses, breeders' awards or other benefits to horsemen, **shall not** be deemed as income to the fair and **shall**, within 3 calendar days following receipt, be deposited in a segregated and separate liability account in a depository approved by the CHRB and shall be at the disposition of the Paymaster of Purses, who shall pay or distribute such funds to the persons entitled thereto. All funds generated from off-track simulcast wagering, interstate wagering, and out-of-state wagering which are obligated by law for distribution in the form of purses and breeders' awards, shall also be deposited within 3 calendar days following receipt into such liability account. In the event the fair is obligated to the payment of purses prior to those obligated amounts being retained from pari-mutuel wagering for such purpose, or as a result of overpayment of earned purses at the conclusion of the meeting, the fair shall transfer from its own funds such amounts as are necessary for the Paymaster of Purses to distribute to the horse owners statutorily or contractually entitled thereto. The fair is entitled thereafter to recover such transferred funds from the Paymaster of Purses' account; and if insufficient funds remain in the account at the conclusion of the meeting, the fair is entitled to carry forward the deficit to its next succeeding meeting as provided by B&P Code Section 19615(c) or (d). In the event of **underpayment** of purses which results in a balance remaining in the Paymaster of Purses' account at the conclusion of the meeting after

distribution of amounts due to horsemen and breeders and horsemen's organizations, the fair may carry forward the surplus amount to its next succeeding meeting; provided, however, that the amount so retained does not exceed an amount equivalent to the average daily distribution of purses and breeders' awards during the meeting. All amounts in excess shall be distributed retroactively and proportionally in the form of purses and breeders' awards to the horse owners and breeders having earned purses or awards during the conduct of the meeting.

6. STABLE ACCOMMODATIONS

- A. Number of usable stalls available for racehorses at the track where the meeting is held:
684 – (Portables also available if needed)
- B. Minimum number of stalls believed necessary for the meeting: **3,500**
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers: **3,000**
- D. Name and location of each off-site auxiliary stabling area and the number of stalls to be maintained at each site:

Bay Meadows, San Mateo, California	700 stalls
Golden Gate Fields, Albany, California	1,400 stalls
Solano County Fair, Vallejo, California	900 stalls

- E. Attach each contract or agreement between the fair and the person(s) furnishing off-site stabling accommodations for eligible racehorses that cannot be provided stabling on-site.
Northern California Stabling and Vanning Fund

Complete subsections F through I if the fair will request reimbursement for off-site stabling as provided by B&P Code Sections 19607, 19607.1, 19607.2, and 19607.3; otherwise, skip to Section 7.

- F. Total number of usable stalls made available **on-site** for the **1986** meeting: **884**
- G. Estimated cost to provide **off-site** stalls for this meeting. Show cost per-day per stall:
Northern California Stabling and Vanning Fund
- H. Estimated cost to provide **vanning** from off-site stalls for this meeting. Show fees to be paid for vanning **per-horse**: **None**

7. PARI-MUTUEL WAGERING PROGRAM

- A. Pursuant to B&P Code Section 19599, and with the approval of the CHRB, fairs may elect to offer wagering programs using CHRB Pari-mutuel Rules, the Association of Racing Commissioners International (RCI) Uniform Rules of Racing, Chapter 9, Pari-mutuel Wagering, or a combination of both. Please complete the following schedule for the types of wagering other than WPS and the minimum wager amount for each:

Use DD for daily double, E for exacta (special quinella), PK3 for pick three, PK4 for select four, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for superfecta, and TRI for trifecta.

TYPE OF WAGERS

APPLICABLE RULES

Example Race \$1 E; \$2 Twin Trifecta

CHRB #1959; RCI #VP

Race #1	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$1SF, \$1PPN%	CHRB 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.8
Race #2	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$1SF, \$1PPN%	CHRB 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.8
Race #3	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$1SF, \$1PPN%	CHRB 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.8
Race #4	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$1SF, \$1PPN%	CHRB 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.8
Race #5	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.9, 1976.8
Race #6	\$1E, \$1PK3, \$1TRI, \$2Q, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1977, 1979, 1958, 1957, 1979.1, 1976.9, 1976.8
Race #7	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1977, 1978, 1979, 1958, 1957, 1979.1, 1976.9, 1976.8
Race #8	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1977, 1978, 1979, 1958, 1957, 1979.1, 1976.9, 1976.8
Race #9	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1977, 1978, 1979, 1958, 1957, 1979.1, 1976.9, 1976.8
Race #10	\$1E, \$1PK3, \$1PK4*, \$1TRI, \$2Q, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1977, 1978, 1979, 1958, 1957, 1979.1, 1976.9, 1976.8
Race #11	\$1E, \$1TRI, \$2Q, \$1PK4*, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1979, 1958, 1978, 1957, 1979.1, 1976.9, 1976.8
Race #12	\$1E, \$1TRI, \$2Q, \$1PK4*, \$2DD, \$1SF, \$2PNP@, \$1PPN%	CHRB 1959, 1979, 1958, 1978, 1957, 1979.1, 1976.9, 1976.8

- B. Maximum carryover pool to be allowed to accumulate before its distribution **OR** the date(s) designated for distribution of the carryover pool:
July 10, 2005 (Closing Day)

- C. List any options requested with regard to exotic wagering:
\$1pk4* on last 4 races
@\$2Pick 6 on last 6 races
% \$1 Place Pick All on all races carded

- D. Will "advance" or "early bird" wagering be offered? ☐ Yes ☒ No
If yes, when will such wagering begin:

- E. Type(s) of pari-mutuel or totalizator equipment to be used by the fair and the simulcast organization, the name of the person(s) supplying equipment, and expiration date of the service contract: **Scientific Games Racing/Autotote (David Payton) 9/30/2005**
Equipment description on file with Board.

8. SIMULCAST WAGERING PROGRAM

- A. Simulcast organization engaged by the fair to conduct simulcast wagering:
California Authority of Racing Fairs (Northern California Off-Track Wagering, Inc.)
- B. Attach the agreement between the fair and simulcast organization permitting the organization to use the fair's live audiovisual signal for wagering purposes and providing access to its totalizator for the purpose of combining on-track and off-track pari-mutuel pools.
- C. California simulcast facilities the fair proposes to offer its live audiovisual signal:
All California facilities authorized to accept the signal.
- D. Out-of-state wagering systems the fair proposes to offer its live audiovisual signal: **Attached**
- E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the fair:
Attached
1. Include a list of out-of-state sites with the percentage the fair is charging the site for the simulcasting activity.

2005 Northern California Racing Fairs - Simulcast Department

8. SIMULCAST WAGERING PROGRAM

- D. Out-of-state wagering systems the fair proposed to offer its live audiovisual signal.
- E. Out of-state wagering systems that will combine their pari-mutuel pools with those of the fair.

Prepared: 4/15/05

Separate:

Caliente (MIR)	CA
Caymanas Park	JAM
Fraser Downs	CAN
Hastings Entertainment Inc.	BC
Las Vegas Dissemination Co.	NV
Stevenson & Associates, Inc.	MD
Teletheatre BC	CA
Woodbine Entertainment Group	CAN

Commingled:

America Tab	OH
AmWest Entertainment	KY
Arapahoe Park	CO
Arlington International Racecourse	IL
Atlantic City Casino Assn.	NJ
Atlantic City Race Course	NJ
Atlantis Paradise Island Casino	FL
Atokad Downs	NE
Balmoral Park / Maywood	IL
Beulah Park	OH
Birmingham Race Course	AL
Blue Ribbon Downs	OK
Bluffs Run Greyhound Park & Casino	IA
Boyd Gaming, dba Delta Downs	LA
Buffalo Trotting Association	NY
Calder Race Course	FL
Canterbury Park	MN
Capital District OTB	NY
Capitol Sports Pty Ltd.	AUS
Catskill OTB	NY
Charles Town Races	WV
Choctaw Racing Services, LLC	OK
Churchill Downs	KY
Coeur d' Alene Casino	ID
Coeur d' Alene Casino Phone	ID
Coeur d' Alene Greyhound Park	ID
Colonial Downs	VA
Columbus Races	NE
Comanche Nation Games	OK
Connecticut OTB	CT
Corpus Christi Greyhound Race Track	TX
Crystal Palace Casino	BAH
Dairyland Greyhound Park	WI
Delaware Park	DE
Dover Downs	DE
Downs at Albuquerque	NM
Ellis Park	KY
Emerald Downs	WA
Equus St Thomas Racing	VI
Euro Off Track	FL
European Simulco AKA MEC Sport & Entertainment	CA
Evangeline Downs	LA

Excelsior Casino	AR
Fair Grounds Race Course	LA
Fair Meadows at Tulsa	OK
Fairmount Park	IL
Finger Lakes Race Track	NY
Fire Lakes	OK
Fonner Park	NE
Freehold Raceway	NJ
Geneva Lakes Kennel Club	WI
Gillespie County Fair Race Meet	TX
Great Lakes Downs	MI
Gulf Greyhound Park	TX
Gulf Greyhound Park @ Post Falls	ID
Gulfstream Park	FL
Harrington Raceway AKA Midway Slots	DE
Hawthorne National LLC	IL
Hazel Park	MI
Hinsdale Greyhound Park	NH
Hoosier Park	IN
Horsemen's Park	NE
Indiana Downs	IN
International All Sports	OH
International Wagering Sytems, Inc.	CA
Jackson Harness Raceway	MI
Keeneland Association	KY
Kentucky OTB	KY
LVDC Atlantis Paradise Island Casino, Bahamas	NV
LVDC Cities of Gold Sports Bar (Pojoaque), NM	NV
LVDC Comanche Nation Games, OK	NV
LVDC Elite Turf Club, Curacao	NV
LVDC Fire Lakes Entertainment	NV
LVDC Foxwoods Resorts Casino, CT	NV
LVDC Holiday Beach, Cuaraco	NV
LVDC Meskwaki Bingo & Casino, IA	NV
LVDC Red River Casino, OK	NV
LVDC Spirit Mountain Casino, OR	NV
LVDC The Stables, OK	NV
LVDC Tonkawa Bingo, OK	NV
Lebanon Raceway	OH
Les Bois Park Simulcast Network	ID
Lewiston Raceways, Inc.	ME
Lien Games, Inc.	ND
Lincoln Greyhound Park	RI
Lone Star Race Park Ltd.	TX
Louisiana Downs (Harrah's)	LA
Manor Downs	TX
Maryland Jockey Club	MD
Midway Slots & Simulcast/Harrington Raceway	DE
Montana Simulcast Partners	MT
Monticello Raceway	NY
Mount Pleasant Meadows	MI
Mountaineer Park	WV
Nassau/Suffolk OTB	NY
Nevada Pari-Mutuel Association	NV
New Jersey Sports & Exposition Authority	NJ
New York City Off-Track Betting	NY
New York Racing Association	NY
Newport Jai-Alai	RH
Northfield Park	OH
Northville Downs	MI
Oaklawn Park	AR
Ocean Downs	MD
Penn National Race Course	PA
Philadelphia Park	PA
Plainridge Race Course	MA
Pocono Downs	PA

Portland Meadows	OR
Prairie Meadows	IA
Raceway Park	OH
Racing & Gaming Services, Inc.	WI
Remington Park	OK
Retama Park	TX
River Downs	OH
Rockingham Park	NH
Rosecroft Raceway	MD
Royal River Racing (Bettor Racing OTB)	ID
Ruidoso Downs	NM
Saginaw Harness Raceway	MI
Sam Houston Race Park, LTD	TX
Saratoga Raceway	NY
Scarborough Downs	ME
Scioto Downs	OH
Seabrook Greyhound	NH
Southland Greyhound Park	AR
Sports Creek Raceway	MI
State Fair Park	NE
Stevenson & Associates, Inc. (Common)	MD
Stevenson & Associates, Inc., Books	MD
Suffolk Downs	MA
Suffolk Downs OTB	MA
Sunland Park	NM
SunRay Park	NE
Tampa Bay Downs	FL
The Greyhound Park at Post Falls	ID
The Meadows	PA
The Racing Channel, Inc. (Domestic)	OR
The Racing Network International, Inc.	OR
The Texas Hub at Gulf Greyhound	TX
Thistledown Racing	OH
Tri-State Racetrack & Gaming Center	WV
Turf Paradise	AZ
Turfway Park	KY
TVG Network	CA
U.S. Off Track, LLC	FL
Valley Greyhound Park (Sam Houston site)	TX
Vernon Downs	NY
Western Regional OTB	NY
Wheeling Downs	WV
Wichita Greyhound Park	KS
Wonderland Greyhound Park	MA
Woodlands	KS
Wyoming Downs Rodeo Events, LLC dba PONYUPBET	WY
Wyoming OTB	WY
XpressBet, Inc	CA
Yavapai	AZ
Yonkers Raceway	NY
Youbet	CA
Zia Park Racetrack	NM

- F. List the host tracks from which the fair proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":

NOTICE TO APPLICANT: B&P Code Section 19596.2(a) stipulates that on days when live thoroughbred or fair racing is being conducted in the state, the number of thoroughbred races which may be imported by an association or fair during the calendar period the association or fair is conducting its racing meeting cannot exceed a combined daily total of 23 imported thoroughbred races statewide. The limitation of 23 imported thoroughbred races per day statewide does not apply to those races specified in B&P Code Section 19596.2(a)(1), (2), (3) and (4).

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track Race Dates Full Card or Selected Feature and/or Stakes Races

Attached

- G. List imported simulcast races the fair plans to receive during the racing meeting which use breeds other than the breed of the majority of horses racing at its live horse racing meeting. Include the name of the host track, the dates imported races will be held, and how many races will be imported:

N/A

OTHER BREED SIMULCAST RACES TO BE IMPORTED

Name of Host Track Breed of Horse Race Dates Number of Races to be Imported

- H. If any out-of-state or out-of-country races will commence outside of the time constraints set forth in B&P Code Section 19596.2(d), attach a copy showing agreement by the appropriate racing association(s). **To be submitted**

NOTICE TO APPLICANT: All interstate wagering to be conducted by a fair is subject to the provisions of Title 15, United States Codes, which require specific **written** approval of the CHRB and of the racing commission having jurisdiction in the out-of-state venue. All international wagering to be conducted by a fair is subject to the provisions of B&P Code Sections 19596, 19596.1, 19596.2, 19601, 19602, and 19616.1, and will require specific written approval of the CHRB.

Every fair shall pay to the simulcast organization within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained from off-track simulcast wagering, interstate and out-of-state wagering and which are obligated by statute for guest commissions, simulcast operator's expenses and promotions, equine research, local government in-lieu taxes, and stabling and vanning deductions. Every fair shall pay to its Paymaster of Purses' account within 3 calendar days following the closing of wagering for each racing program, or upon receipt of the proceeds, such amounts that are retained or obligated from off-track simulcast wagering, interstate and out-of-state wagering for purses, breeders' awards or other benefits to horsemen. (See **Notice to Applicant, Section 5.**)

9. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT

- A. Racing officials nominated:

Association Veterinarian(s)	Robert Connolly (Track & Fitness)
Clerk of Scales	Fred Alexander
Assistant Clerk of Scales	Gary Lawless
Clerk of the Course	Dolores Collins (E-Breeds) & Anne Daftary (Thoroughbreds)
Assistant Clerk of the Course	Tina Walker
Film Specialist	James Dreyer & Paul Nicolo
Horse Identifier	Patrick Kealy
Horseshoe Inspector	Jack Hammonds
Paddock Judge	Joe Gibson

2005 Northern California Racing Fairs

8. SIMULCAST WAGERING PROGRAM

- F. List the host tracks from which the fair proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Arlington Park	6/15 - 9/18/05	Full or Partial Cards
Assiniboia Downs	6/15 - 10/16/05	Full or Partial Cards
Australia	6/15 - 10/16/05	Full or Partial Cards
Calder	6/15 - 10/16/05	Full or Partial Cards
Canterbury Park	6/15 - 9/5/05	Full or Partial Cards
Churchill Downs	6/15 - 7/10/05	Full or Partial Cards
Delaware Park	6/15 - 10/16/05	Full or Partial Cards
Ellis Park	7/13 - 9/5/05	Full or Partial Cards
Fort Erie	6/15 - 10/16/05	Full or Partial Cards
Hastings Park	6/15 - 10/16/05	Full or Partial Cards
Hawthorne	9/23 - 10/16/05	Full or Partial Cards
Hoosier Park	6/15 - 10/16/05	Full or Partial Card
Laurel Park	8/10 - 8/26/05	Full or Partial Cards
Lone Star	6/15 - 7/17/05	Full or Partial Cards
Louisiana Downs	6/15 - 10/16/05	Full or Partial Cards
Meadowlands	9/30 - 10/16/05	Full or Partial Cards
Monmouth Park	6/15 - 10/16/05	Full or Partial Cards
Northlands Park	6/15 - 10/16/05	Full or Partial Cards
NYRA	6/15 - 10/16/05	Full or Partial Cards
Penn National	6/15 - 10/16/05	Full or Partial Cards
Philadelphia Park	6/15 - 10/16/05	Full or Partial Cards
Pimlico	9/8 - 10/16/05	Full or Partial Cards
Prairie Meadows	6/15 - 10/16/05	Full or Partial Cards
Remington Park	8/5 - 10/16/05	Full or Partial Cards
Suffolk Downs	6/15 - 10/16/05	Full or Partial Cards
Thistledown	6/15 - 10/16/05	Full or Partial Cards
Timonium	8/27 - 10/16/05	Full or Partial Cards
Turfway Park	9/7 - 10/16/05	Full or Partial Cards
Woodbine	6/15 - 10/16/05	Full or Partial Cards

Patrol Judges	James Dreyer & Paul Nicolo
Placing Judges	Kenneth Sjordal & Ella Robinson
Starter	Robert Mooneyhan
Timer	Melody Trutt

B. Management officials in the racing department:

Director of Racing	Rick K. Pickering
Racing Secretary	Bob Moreno
Assistant Racing Secretary	Linda Anderson
Paymaster of Purses	Vicki Layne (C.A.R.F.)
Others (identify by name and title)	

C. Name, address and telephone number of the reporter employed to record and prepare transcripts of hearings conducted by the stewards:

**Secretary, Alameda County Agricultural Fair Association
4501 Pleasanton Avenue, Pleasanton, CA 94566, 925-426-7600**

D. Photographic device to be used for photographing the finish of all races, name of the person supplying the service, and expiration date of the service contract:

Plusmic Corporation, USA (Bill O'Brien) Expires 12/7/07

E. Photopatrol video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract. Specify the number and location of cameras for dirt and turf tracks.

Pegasus Communication, Inc. (Jim Porep) Expires 4/30/08

F. Type of electronic timing device to be used for the timing of all races, name of the person supplying the service, and expiration date of the service contract:

Pegasus Communication, Inc. (Jim Porep) Expires 4/30/08

10. SECURITY CONTROLS

A. Name and title of the person responsible for security controls on the premises. Include an organizational chart of the security department and a list of the names of security personnel and contact telephone numbers.

**Racetrack/Grandstand: Alameda County Sheriff Chief in Charge
Barn Area: David Rezendes, President, Security Eye Patrol, Inc.**

B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis:

**Racetrack/Grandstand: 8 Sheriff's Deputies
Barn Area: 5 Security Officers, 2 Security Rovers, 3 Licensed Gatemen based on 8/hour shifts**

1. Attach a written plan for enhanced security for graded/stakes races. N/A
2. Attach a written plan for enhanced surveillance of barns.

C. Describe the electronic security system.

Monitored electronic surveillance of key areas by the Sheriff's Department

Item 10 A:

Security Organizational Chart

Security during the Live Race Meet is coordinated by a number of groups. Day-to-day security items are handled the Stable Manager in concert with Security Eye personnel assigned to the Guard Shacks and Barn Area. As issues escalate, Fair Management, Security Eye Management, and the Sheriff's Department become involved as necessary.

Alameda County Agricultural Fair Association

Rick K. Pickering, CEO	925-426-7501
Ed Johnson, Manager of Maintenance Operations	925-426-7500
Judy Carrico, Fair Operations Manager	925-426-7500

Security Eye

Dave Rezendes, President	925-455-6585
Dave Graber, Vice President	925-455-6585
Barn Area Guard Shack, various personnel	925-426-7519
Roadway 12 Guard Shack, various personnel	925-426-7519

Alameda County Sheriff Department

Fairgrounds Command Center	925-426-7525
Lt. Jim Knudsen, Sheriff Liaison Officer	510-272-6901

Note: Confidential cell phone numbers are made available to CHRB staff. Additional security related personnel are available by direct radio contact.

2005 Proposed Backstretch Security Measures Alameda County Fair

In 2005, the Alameda County Fair will work with CHRB and California Authority of Racing Fairs (CARF) to achieve a dispersed presence of uniformed track security personnel in the backstretch throughout the day, in addition to the normal complement of CHRB investigative staff. The Fair proposes to proceed as follows.

1. Work with California Authority of Racing Fairs and CHRB staff to train designated track security supervisors and personnel prior to each Fair meeting. CARF will coordinate this training between the Fair and CHRB staff.
2. Coordinate track backstretch security oversight on a daily basis with CHRB investigative staff.
3. Deploy uniformed track security personnel on random security patrols through backstretch area from 7:00AM until the last race.
4. Provide radio communication between track security personnel and CHRB investigative staff.

11. EMERGENCY SERVICES

- A. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:

American Medical Response (A.M.R.), 640 143rd Ave., San Leandro, CA 94577, 510-895-7600

- B. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites:

**Solano County Fair
Medic Ambulance
506 Couch
Vallejo, CA 94590
707-644-8989**

**Bay Meadows
Bayshore Ambulance
P.O. Box 4622
Foster City, CA 94404
650-525-9700**

**Golden Gate Fields
Turf Rescue LLC
19615 Barclay Road
Castro Valley, CA 94546
510-581-8470**

- C. Attach a fire clearance from the fire authority having jurisdiction over the premises.
- D. Attach a Certificate of Insurance for workers' compensation coverage. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of insurance that secures the liability of the fair for payment of workers' compensation.

12. CONCESSIONAIRES AND SERVICE CONTRACTORS

Names and addresses of all persons to whom a concession or service contract has been given, **other than those already identified**, and the goods and/or services to be provided by each:

CONCESSION/SERVICE	COMPANY	OWNER	ADDRESS
Food & Beverage (Non-Alcoholic)	Stroud Enterprises	Tom Stroud	5119 North Archerdale, Linden, CA 95236
Food Service	Ovations Fanfare	Charlie Neary Nick Nicora	4501 Pleasanton Avenue, Pleasanton, CA 94566
Food & Beverage (Alcoholic & Non)	Ovations Fanfare	Charlie Neary Nick Nicora	4501 Pleasanton Avenue, Pleasanton, CA 94566
Tip Sheets	Nikki's Secrets	Jan Reed	P.O. Box 70207, Point Richmond, CA 94807
Tip Sheets	Jack's Blue Card	Lisa Wasserman	127 Sun Avenue, San Leandro, CA 94544
Race Program Printing Daily Racing Form	Daily Racing Form		100 Broadway, New York, NY 10005
Winners Circle Pictures		Patricia Visco	3015 E. Bayshore Rd., #422, Redwood City, CA 94063
Jockey Laundry Service	Bailey Mobile	Lorene Dutton	3263 Vineyard venue, #35, Pleasanton, CA 94566
Starting Gate	United/Puett Start Gate	Michael Costello	1 Soundview Loop, S. Salem, N.Y. 10590
Sound System	Speeda Sound	Mike King	5617 W. San Madele, Freson, CA 93722
Armor Car Service	NOTWINC		11875 Dublin Blvd., Dublin, CA 94568

13. ON-TRACK ATTENDANCE/FAN DEVELOPMENT

- A. Estimated advertising budget for meeting:
- B. Describe any promotional plans and estimated budget for each promotional activity for meeting:
- C. Number of hosts and hostesses employed for meeting:
- D. Describe facilities set aside for new fans:



March 16, 2005

To: California Horse Racing Board (CHRB)
Attn: Pat Noble
1010 Hurley Way, Suite 300
Sacramento, CA 95825

Re: Alameda County Agricultural Fair Association
4501 Pleasanton Avenue
Pleasanton, CA 94566

Please be advised that the Alameda County Agricultural Fair Association is a member of the California Fair Services Authority (CFSA), and participates in the following self-insurance and loss pooling programs which are administered by CFSA:

I. COMPREHENSIVE GENERAL LIABILITY PROGRAM

Limit \$10 million CSL per occurrence
Coverage continuous until cancelled

II. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

- A. Primary Coverage \$500,000 self-insured retention California Fair Services Authority
Coverage continuous until cancelled
- B. Excess Coverage (a) Workers' Compensation: \$50,000,000 in excess of \$500,000
 (b) Employers' Liability: \$10,000,000 in excess of \$500,000
Coverage provided by California Public Entity Insurance Authority
Term: 07/01/2004 to 07/01/2005

CFSA represents to CHRB that within the above limits, terms and provisions of the coverage stated, to the extent provided by law, CFSA will provide defense, payment, and indemnification on loss funding in accordance with the terms of the contractual assumption of the Alameda County Agricultural Fair Association as set forth in CHRB's "Insurance Requirements".

You will be given at least thirty (30) days notice of any change in the foregoing information. We trust that this commitment will satisfy your insurance requirements.

Please feel free to contact this office on all matters including possible claims.

Sincerely,

Lianne Lewellen
Risk Analyst

E. Describe any improvements to the physical facility in advance of the meeting that directly benefits:

1. Horsemen
2. Fans
3. Facilities in the restricted areas

14. SCHEDULE OF CHARGES

A. Proposed charges, note any changes from previous year:

General Admission/Grand Stand	Free with Fair Admission
Fair Admission/Adults (13 & older)	\$ 9.00
Fair Admission/Children (6-12)	\$ 6.00 (Free on Fridays)
Fair Admission/Seniors	\$ 7.00 (Free on Wednesdays)
Fair Admission/V.I.P. Discount	\$ 5.00
Admission (clubhouse)	N/A
Reserved Seating (general)	\$ 3.00
Reserved Seating (clubhouse)	N/A
Parking (general)	\$ 8.00
Parking/Western Pacific Lot	\$13.00
Parking (preferred)	\$13.00
Parking (valet)	N/A
Programs/on track	\$ 1.00
Programs/off track	\$ 2.00

B. Describe any "Season Boxes" or other special accommodation fees:

Daily box seat sales - \$3.50 (if available). All box seats usually sell out 30-60 days in advance.

C. Describe any "package" plans such as combined parking, admission and program:

Family Pack

1-General Parking

2-Adult Admissions, 2-Child Admissions

Coupon-redeem for Carnival Rides, 2/1 drink coupons for Midway

15. JOCKEYS' QUARTERS

A. Check the applicable amenities available in the jockeys' quarters:

<input checked="" type="checkbox"/> Corners (lockers and cubicles)	How many	<input type="text" value="40"/>
<input checked="" type="checkbox"/> Showers	<input checked="" type="checkbox"/> Steam room, sauna or steam cabinets	<input checked="" type="checkbox"/> Lounge area
<input checked="" type="checkbox"/> Masseur	<input checked="" type="checkbox"/> Food/beverage service	<input checked="" type="checkbox"/> Certified platform scale

B. Describe the quarters to be used for female jockeys:

Separate area containing an office, lounge area, sauna, showers, restroom facilities, lockers, & bunks. Jockeys & Jockettes share the scale.

16. BACKSTRETCH EMPLOYEE HOUSING

- A. Inspection of backstretch housing was completed by (name) **Chief Investigator Moore & Supervising Investigator Bob Gai** on (date) **March 25, 2005.**
- B. Number of rooms used for housing on the backstretch of the racetrack: **60 Rooms**
- C. Number of restrooms available on the backstretch of the racetrack: **7 Restrooms**
- D. Estimated ratio of restrooms to the number of backstretch personnel: **11 to 1**

17. TRACK SAFETY

- A. Total distance of the racecourse - measured from the finish line counterclockwise (3' from the inner railing) back to the finish line:

5,280

 feet.
- B. Describe the type(s) of materials used for the inner and outer railings of the race course, the type of inner railing supports (i.e., metal gooseneck, wood 4" x 4" uprights, offset wood 4" x 4" supports, etc.), the coverings, if any, on the top of the inner railing, and the approximate height of the top of the inner railing from the level of the race course.
Inner rail: Fontana Safety Rail
Outer rail: Aluminum gooseneck supports with aluminum top rail
Inner rail height at: ¼ mile – 42"
½ mile – 40.5"
¾ mile – 40"
1 mile – 42"(finish line)
- C. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474: **Toni Applebee**
- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474.
- E. If the fair is requesting approval to implement alternate methodologies to the provisions of Article 3.5, Track Safety Standards, pursuant to CHRB Rule 1471, attach a Certificate of Insurance for liability insurance which will be in force for the duration of the meeting specified in Section 2. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of liability insurance. Additionally, the CHRB must be listed as additionally insured on the liability policy at a minimum amount of \$3 million per incident. The liability insurance certificate must be on file in the CHRB headquarters office prior to the conduct of any racing.

18. DECLARATIONS

- A. All labor agreements, concession and service contracts, and other agreements necessary to conduct the entire meeting have been finalized except as follows (if no exceptions, so state):
Thoroughbred and Appaloosa agreements pending.
- B. Attach each Horsemen's Agreement pursuant to CHRB Rule 2044.
- C. All service contractors and concessionaires have valid state, county or city licenses authorizing each to engage in the type of service to be provided and have valid labor agreements, when applicable,

which remain in effect for the entire term of the meeting except as follows (if no exceptions, so state):

No Exceptions

- D. Absent natural disasters or causes beyond the control of the fair, its service contractors, concessionaires or horsemen participating at the meeting, no reasons are believed to exist that may result in a stoppage to racing at the meeting or the withholding of any vital service to the fair except as follows (if no exceptions, so state):

No Exceptions

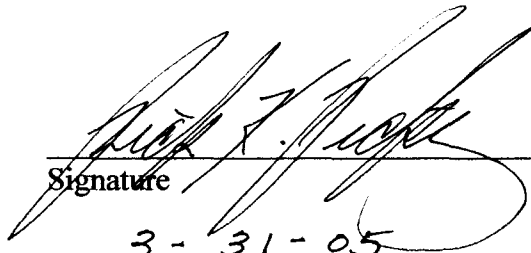
NOTICE TO APPLICANT Pursuant to CHRB Rules 1870 and 1871, the CHRB shall be given 15 days' notice in writing of any intention to terminate a horse racing meeting or the engagements or services of any licensee, approved concessionaire, or approved service contractor.

19. CERTIFICATION BY APPLICANT

I hereby certify under penalty of perjury that I have examined this application, that all of the foregoing statements in this application are true and correct, and that I am authorized by the fair to attest to this application on its behalf.

RICK K. PICKERING
Print Name

C.E.O.
Print Title


Signature
3-31-05
Date

STAFF ANALYSIS
April 28, 2005

ITEM 4 -

Issue: APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING OF PACIFIC RACING ASSOCIATION AT GOLDEN GATE FIELDS MAY 11, 2005 THROUGH JUNE 19, 2005.

Pacific Racing Association filed its application to conduct a thoroughbred horse racing meeting at Golden Gate Fields:

- May 11 through June 19, 2005, or 29 days. Allocated 28 days of racing during this time period. The association is requesting to add Wednesday, June 1 as a race day to coincide with Churchill Downs. The association proposes to race a total of 499 races, or 8.6 per day.

May - 2005						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

June - 2005						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

- Racing 5 days per week, Wednesday through Sunday, with 8 races weekdays and 9 or 10 weekends, holidays and dates of special interest.
 - Option to request administrative approval to conduct more than an average of 8.6 races each day if the horse population permits additional racing.
 - Racing Monday, May 30.
 - Dark Wednesday, June 15 and Thursday, June 16.
 - Overlap San Joaquin Fair June 17, 18 and 19.
- First post 12:45 p.m. daily.
 - Request the option to change post times to coordinate north/south signals.
- Specific changes from the 2004 license application:
 - Gary Lawless replaces Grant Baker as paddock and patrol judge and Ron Moore replaces Juan Meza as main track superintendent.
- Request Patrick Kealy be appointed horse identifier pursuant to CHRB Rule 1525.
- Track safety requirements have been fulfilled.
- Wagering program will use all CHRB rules.
 - Early wagering will not be offered.
- Simulcasting conducted with out-of-state racing jurisdictions pursuant to Business and Professions Code Section 19602; and with authorized locations throughout California.
- Inspection of backstretch worker housing completed.

RECOMMENDATION:

Staff recommends the Board approve the application.

STATE OF CALIFORNIA
CALIFORNIA HORSE RACING BOARD
APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING
CHRB-17 (Rev. 01/05)

Application is hereby made to the California Horse Racing Board (CHRB) for a license to conduct a horse racing meeting in accordance with the California Business and Professions (B&P) Code, Chapter 4, Division 8, Horse Racing Law, and the California Code of Regulations, Title 4, Division 4, CHRB Rules and Regulations.

1. APPLICANT ASSOCIATION

- A. Name, mailing address, telephone and fax numbers of association:

Pacific Racing Association.

1100 Eastshore Highway

Berkeley, CA 94710, Phone (510) 559-7300, Fax (510) 559-7464

- B. Breed of horse: ☒ TB ☐ QH ☐ H

- C. Racetrack name: **Golden Gate Fields**

- D. Attach a certified check payable to the Treasurer of the State of California in the amount of \$10,000 as deposit for license fees pursuant to B&P Code Section 19490.

NOTICE TO APPLICANT: Application must be filed not later than 90 days before the scheduled start date for the proposed meeting pursuant to CHRB Rule 1433.

2. DATES OF MEETING

- A. Inclusive dates for the entire meeting: **May 11, 2005 through June 19, 2005**

- B. Actual dates racing will be held: **May 11-15, 18-22, 25-29, 30; June 1-5, 8-12, 17-19.**

- C. Total number of days or nights of racing: **29**

- D. Days or nights of the week races will be held:

☒ Wed - Sun ☐ Tues - Sat ☐ Other (specify)

Racing Monday, May 30, 2005, Dark Wednesday June 15 and Thursday June 16, 2005.

- E. Number of days or nights of racing per week: **5 days per week except as set forth in D above. Week ending June 5 will be a 6-day week, week ending June 19 will be a 3-day week.**

3. RACING PROGRAM

- A. Total number of races: **249**

- B. Number of races for each day or night: **8.6 will be the average throughout the meet; we propose to conduct 8 races on weekdays, 9 or 10 on weekends, holidays and dates of special interest. We will request administrative approval to conduct more than an average of 8.6 races per day if the horse population permits additional racing.**

CHRB CERTIFICATION

Application received: *4/13/05*
Deposit received: *on file*
Reviewed: *PN*

Hearing date: *4/28/05*
Approved date:
License number:

- C. Total number of stakes races: **11**
- D. Attach a listing of all stakes races and indicate the date to be run and the added money or guaranteed purse for each. Note the races that are designated for California-bred horses. **Attached.**
- E. Will provisions be made for owners and trainers to use their own registered colors?
☒ Yes ☐ No If no, what racing colors are to be used:
- F. List all post times for the daily racing program:

<u>Post Time</u>	<u>Race Number</u>
12:45 p.m.	1
1:15 p.m.	2
1:45 p.m.	3
2:15 p.m.	4
2:45 p.m.	5
3:15 p.m.	6
3:45 p.m.	7
4:15 p.m.	8
4:45 p.m.	9
5:15 p.m.	10

Request option to change post time schedules due to Hollywood Park post times in order to coordinate North/South signals.

NOTICE TO APPLICANT: Every licensee conducting a horse racing meeting shall each racing day provide for the running of at least one race limited to California-bred horses, to be known as the "California-bred race" pursuant to CHRB Rule 1813. For thoroughbred and quarter horse meetings, the total amount distributed for California-bred stakes races from the purse account, including overnight stakes, shall not be less than 10% of the total amount distributed for all stakes races pursuant to B&P Code Section 19568(b).

4. RACING ASSOCIATION

- A. Association is a: ☒ Corporation (complete subsection C)
☐ LLC (complete subsection D)
☐ Other (specify, and complete subsection E)
- B. Complete the applicable subsection and attached Addendum, Background Information and Ownership.

C. CORPORATION

- Registered name of the corporation: **Pacific Racing Association**
- State where incorporated: **California**
- Registry or file number for the corporation: **Federal I.D. #94-1585367**
- Names of all officers and directors, titles, and the number of shares of the corporation held by each: **Pacific Racing Association has only one shareholder, Magna Entertainment Corporation, a Delaware Corporation.**
- Names (true names) of all persons, other than the officers and directors listed above, that hold 5% or more of the outstanding shares in the corporation and the number of shares held by each:
None
- Number of outstanding shares in the corporation: **69,347 shares of no par value common stock.**

**Golden Gate Fields
2005 Spring Stakes Schedule**

Saturday, May 14, 2005

Golden Bear Breeders Cup
\$150,000 G Includes \$50,000 BCF
Three Year Olds
Six Furlongs
Closes Saturday, April 30, 2005

Sunday, May 15, 2005

Alcatraz Breeders Cup
\$100,000 G Includes \$25,000 BCF
Three Year Olds
One Mile (Turf)
Closes Sunday, May 1, 2005

Saturday, May 21, 2005

Yerba Buena Breeders Cup Handicap GIII
\$100,000 G Includes \$25,000 BCF
Fillies and Mares, Three Years Old and Upward
One Mile and One Sixteenth (Turf)
Closes Saturday, May 7, 2005

Sunday, May 22, 2005

Camilla Urso
\$55,000 G (Plus up to \$16,500 Cal Bred)
(Overnight Stakes)
Fillies and Mares, Three Years Old and Upward
Six Furlongs
Closes Sunday, May 8, 2005

Saturday, May 28, 2005

Ken Maddy
\$75,000 G (Includes \$20,000 from Cal Bred Race Fund)
Three Year Olds and Upward
Bred in California
Six Furlongs
Closes Saturday, May 14, 2005

Sunday, May 29, 2005

Vallejo

\$55,000 G (Plus up to \$16,500 Cal Bred)

(Overnight Stakes)

Fillies, Three Years Old

Six Furlongs

Closes Sunday, May 15, 2005

Monday, May 30, 2005

Golden Poppy Breeders Cup

\$100,000 G Includes \$25,000 BCF

Fillies, Three Years Old

One Mile (Turf)

Closes Wednesday, May 18, 2005

Saturday, June 4, 2005

Rolling Green Breeders Cup Handicap

\$100,000 G Includes \$25,000 BCF

Three Year Olds and Upward

One Mile and One Furlong (Turf)

Closes Saturday, May 21, 2005

Sunday, June 5, 2005

Oakland

\$55,000 G (Plus up to \$16,500 Cal Bred)

(Overnight Stakes)

Three Year Olds and Upward

Six Furlongs

Closes Sunday, May 22, 2005

Saturday, June 11, 2005

Berkeley GIII

\$100,000 G

Three Year Olds and Upward

One Mile and One Sixteenth

Closes Saturday, May 28, 2005

Saturday, June 18, 2005

Malcolm Anderson

\$75,000 G

Two Year Olds

Five Furlongs

Closes Saturday, June 4, 2005

Golden Gate Fields Stakes 2005

Stakes	Purse	Age/Sex	Distance	To Be Run	Closes
Golden Bear BC	\$150,000G Inc \$50,000BCF	3 YO'S	Six Furlongs	Saturday, May 14	Saturday, April 30
Alcatraz BC	\$100,000G Inc \$25,000BCF	3 YO'S	1 M (T)	Sunday, May 15	Sunday, May 1
Yerba Buena BC HCP GIII	\$100,000G Inc \$25,000 BCF	F&M 3&UP	1 1/16 M (T)	Saturday, May 21	Saturday, May 7
Camilla Urso	\$55,000G Plus Up To \$15,000 Cal Bred	F&M 3&UP	Six Furlongs	Sunday, May22	Sunday, May 8
Ken Maddy (Bred in CA)	\$75,000G Inc \$20,000 CBRF	3&UP Cal Bred	Six Furlongs	Saturday, May 28	Saturday, May 14
Vallejo	\$55,000G Plus Up To \$15,000 Cal Bred	F 3 YO	Six Furlong	Sunday, May 29	Sunday, May 15
Golden Poppy BC	\$100,000G Inc \$25,000 BCF	F 3 YO	1 M (T)	Monday, May 30	Wednesday, May 18
Rolling Green BC HCP	\$100,000G Inc \$25,000 BCF	3 YO'S& UP	1 1/8 M (T)	Saturday, June 4	Saturday, May 21
Oakland	\$55,000G Plus Up To \$15,000 Cal Bred	3 YO'S& UP	Six Furlongs	Sunday, June 5	Sunday, May 22
Berkeley GIII	\$100,000G	3 YO'S& UP	1 1/16 M	Saturday, June 11	Saturday, May 28
Malcolm Anderson	\$75,000G	2 YO'S	Five Furlongs	Saturday, June 18	Saturday, June 4

7. Are the shares listed for public trading? ☐ Yes ☒ No
If yes, on what exchange and how is the stock listed:
8. Name of the custodian of the list of shareholders and/or the transfer agent for the share holdings of the corporation: **Not applicable.**
9. If more than 50% of the shares are held by a parent corporation or are paired with any other corporation or entity, give the name of the parent and/or paired corporation or entity: **Magna Entertainment Corporation.**
10. Attach the most recent audited annual financial statement for the licensee, including balance sheet and profit and loss statement, and a copy of a report made during the preceding 12 months to shareholders in the corporation and/or the Securities and Exchange Commission and/or the California Corporations Commission. **Provided.**

D. LLC

1. Registered name of the LLC:
2. State where articles of organization are filed:
3. Registry or file number for the LLC:
4. Names of all officers and directors, titles, and the number of shares of the LLC held by each:
5. Names (true names) of all members, other than the officers and directors listed above, that hold 5% or more of the outstanding shares in the LLC and the number of shares held by each:
6. Are the shares listed for public trading? ☐ Yes ☐ No
If yes, on what exchange and how is the stock listed:
7. If more than 50% of the shares are held by a parent corporation or are paired with any other corporation or entity, give the name of the parent and/or paired corporation or entity:
8. Attach the most recent audited annual financial statement for the licensee, including balance sheet and profit and loss statement, and a copy of a report made during the preceding 12 months to shareholders in the LLC and/or the Securities and Exchange Commission and/or the California Corporations Commission.

E. OTHER

1. Name(s) of partners/sole proprietor:
2. If a partnership, attach partnership agreement.

F. Management and Staff

1. Name and title of the managing officer and/or general manager of the association and the name and title of all department managers and staff, other than those listed in 10B, who will be listed in the official program:

Frank Stronach, Chairman and Director
Jim McAlpine, Chief Executive Officer and Director
Don Amos, Vice President and Chief Operating Officer
Blake Tohana, Executive Vice President and Chief Financial Officer
Ron Charles, President, California
Frank J. DeMarco, Jr., Assistant Secretary
Peter W. Tunney, Vice President and General Manager
Calvin Rainey, Assistant General Manager
Jason Spetnagel, Director of Operations & Plant
T.W. Johnson, Director of Security
Bill Newell, Director of Food and Beverage
Adam Njaa, Controller of Operations
Bryan Wayte, Manager of Mutuels

Andy Kure, Simulcast Coordinator

2. Name and title of the person(s) authorized to receive notices on behalf of the association and the mailing address of such person(s) if other than the mailing address of the association:

Peter W. Tunney, Vice President and General Manager

5. PURSE PROGRAM**A. Estimated purse distribution:**

1. All races other than stakes: **\$3,843,130**
2. Overnight stakes: **\$165,000**
3. Non-overnight stakes: **\$630,000**

B. Stakes Races:

1. Estimated purse distribution for all stakes races: **\$795,000**
2. Percentage of the estimated purse distribution for all stakes races that will be distributed for California-bred stakes races: **10%**

C. Estimated funds to be generated for all California-bred incentive awards: \$450,000**D. Estimated amount of payment to each recognized horsemen's organization contracting with the association and the name(s) of the organization(s):**

Recognized Horsemen's Organization:	Estimated Payment
Thoroughbred Owners of California (NTRA Contribution)	\$ 84,770
Thoroughbred Owners of California	\$ 48,440
California Thoroughbred Trainers (Administration)	\$ 24,220
California Thoroughbred Trainers (Pension)	<u>\$ 48,440</u>
TOTAL	\$205,870

E. Total estimated amount from all sources to be distributed at the meeting in the form of purses or other benefits to horsemen: \$5,294,000**F. Estimated purse funds to be generated from on-track handle and intrastate off-track handle: \$4,079,000****G. Estimated purse funds to be generated from interstate handle: \$765,000****H. Bank and account number for the Paymaster of Purses' purse account: Wells Fargo Bank - Account #4496895475****I. Name, address and telephone number of the pari-mutuel audit firm engaged for the meeting: Bowen, McBeth, Inc., 10722 Arrow Route, Suite 110, Rancho Cucamonga, CA 91730, (909) 944-6465**

NOTICE TO APPLICANT: All funds generated and retained from on-track pari-mutuel handle which are obligated by law for distribution in the form of purses, breeders' awards or other benefits to horsemen, **shall not** be deemed as income to the association; **shall not** be transferred to a parent corporation outside the State of California; and **shall**, within 3 calendar days following receipt, be deposited in a segregated and separate liability account in a depository approved by the CHRB and shall be at the disposition of the Paymaster of Purses, who shall pay or distribute such funds to the persons entitled thereto. All funds generated from off-track simulcast wagering,

interstate wagering, and out-of-state wagering which are obligated by law for distribution in the form of purses and breeders' awards, shall also be deposited within 3 calendar days following receipt, into such liability account. In the event the association is obligated to the payment of purses prior to those obligated amounts being retained from pari-mutuel wagering for such purpose, or as a result of overpayment of earned purses at the conclusion of the meeting, the association shall transfer from its own funds such amounts as are necessary for the Paymaster of Purses to distribute to the horse owners statutorily or contractually entitled thereto. The association is entitled to recover such transferred funds from the Paymaster of Purses' account; and if insufficient funds remain in the account at the conclusion of the meeting, the association is entitled to carry forward the deficit to its next succeeding meeting as provided by B&P Code Section 19615(c) or (d). In the event of **underpayment** of purses which results in a balance remaining in the Paymaster of Purses' account at the conclusion of the meeting after distribution of amounts due to horsemen and breeders and horsemen's organizations, the association may carry forward the surplus amount to its next succeeding meeting; provided, however, that the amount so retained does not exceed an amount equivalent to the average daily distribution of purses and breeders' awards during the meeting. All amounts in excess shall be distributed retroactively and proportionally in the form of purses and breeders' awards to the horse owners and breeders having earned purses or awards during the conduct of the meeting.

6. STABLE ACCOMMODATIONS

- A. Number of usable stalls available for racehorses at the track where the meeting is held: **1350**
- B. Minimum number of stalls believed necessary for the meeting: **2000**
- C. Total number of usable stalls to be made available off-site at approved auxiliary stabling areas or approved training centers: **900**
- D. Name and location of each off-site auxiliary stabling area and the number of stalls to be maintained at each site: **Bay Meadows Race Track – 900 Stalls**
- E. Attach each contract or agreement between the association and the person(s) furnishing off-site stabling accommodations for eligible racehorses that cannot be provided stabling on-site.
Agreement on file with the Board

Complete subsections F through I if the association will request reimbursement for off-site stabling as provided by B&P Code Sections 19607, 19607.1, 19607.2, and 19607.3; otherwise, skip to Section 7.

- F. Total number of usable stalls made available on-site for the **1986** meeting: **1405**
- G. Estimated cost to provide off-site stalls for this meeting. Show cost per day per stall:
\$260,000; Stabling costs per day, per stall: \$12.75.
- H. Estimated cost to provide vanning from off-site stalls for this meeting. Show fees to be paid for vanning per-horse: **\$72,450; Vanning fee per horse: \$115**

7. PARI-MUTUEL WAGERING PROGRAM

- A. Pursuant to B&P Code Section 19599, and with the approval of the CHRB, associations may elect to offer wagering programs using CHRB Pari-mutuel Rules, the Association of Racing Commissioners International (RCI) Uniform Rules of Racing, Chapter 9, Pari-mutuel Wagering, or a combination of both. Please complete the following schedule for the types of wagering other than WPS and the minimum wager amount for each:

Use DD for daily double, E for exacta (special quinella), PK3 for pick three, PK4 for select four, PNP for pick (n) pool, PPN for place pick (n), Q for quinella, SF for superfecta, and TRI for trifecta.

	TYPE OF WAGERS	APPLICABLE RULES
Example Race:	\$1 E; \$2 Twin Trifecta	CHRB #1959; RCI #VP
Race #1	\$2DD*; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1PPN%; \$1SF#	CHRB#1957; 1959; 1958; 1977; 1979; 1976.8; 1979.1
Race #2	\$2DD*; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1PPN%; \$1SF#	CHRB#1957; 1959; 1958; 1977; 1979; 1976.8; 1979.1
Race #3	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8
Race #4	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8
Race #5	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%; \$1PK4!	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8; 1978
Race #6	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%; \$1PK4!	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8; 1978
Race #7	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%; \$1PK4!	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8; 1978
Race #8	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%; \$1PK4!	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8; 1978
Race #9	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%; \$1PK4!	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8; 1978
Race #10	\$2DD*; \$2PNP @; \$1E; \$2Q; \$1PK3+; \$1TRI++; \$1SF# \$1PPN%; \$1PK4!	CHRB#1957; 1976.9; 1959; 1958; 1977; 1979; 1979.1; 1976.8; 1978

* - \$2 Daily Double on all races

@ - \$2 Pick 6 on last six races

+ - \$1 Pick 3 on every race

++ - \$1 Trifecta on every eligible race

- \$1 Superfecta on all eligible races

% - \$1 Place Pick All on all races carded

! - \$1 Pick 4 on last four races

Additional deduction provided by subdivision (a) of Section 19611.5 will be made.

- B. Maximum carryover pool to be allowed to accumulate before its distribution **OR** the date(s) designated for distribution of the carryover pool: **6/19/05 for the period 5/11 through 6/19/05.**
- C. List any options requested with regard to exotic wagering: **2 Tier – 70%/30% split.**
- D. Will "advance" or "early bird" wagering be offered? ☐ Yes ☒ No
If yes, when will such wagering begin:
- E. Type(s) of pari-mutuel or totalizator equipment to be used by the association and the simulcast organization, name of the person(s) supplying equipment, and expiration date of the service contract:
Scientific Games Racing, LLC, David Payton, Expires: September, 2006

8. SIMULCAST WAGERING PROGRAM

- A. Simulcast organization engaged by the association to conduct simulcast wagering:
Northern California Off-Track Wagering, Inc.
- B. Attach the agreement between the association and simulcast organization permitting the organization to use the association's live audiovisual signal for wagering purposes and providing access to its totalizator for the purpose of combining on-track and off-track pari-mutuel pools.
Agreement on file with the Board.
- C. California simulcast facilities the association proposes to offer its live audiovisual signal:
- | <u>Northern California</u> | <u>Southern California</u> |
|--|---|
| Alameda County Fair, Pleasanton | Barona Casino, Lakeside |
| Bay Meadows Race Track, San Mateo | Fantasy Springs Casino (Cabazon), Indio |
| Big Fresno Fair, Fresno | Del Mar Thoroughbred Club, Del Mar |
| California State Fair & Exposition, Sacramento | Hollywood Park, Inglewood |
| Club One, Fresno | Desert Expo Centre, Indio |
| Kern County Fair, Bakersfield | The Farmers Fair, Perris |
| Monterey County Fair, Monterey | Antelope Valley Fair, Lancaster |
| Redwood Acres Fair, Eureka | Santa Barbara County Fair, Santa Maria |
| San Joaquin County Fair, Stockton | Los Alamitos Racecourse, Los Alamitos |
| Santa Clara County Fair, San Jose | Mid-State Fair, Paso Robles. |
| Shasta District Fair, Anderson | National Orange Show, San Bernardino |
| Solano County Fair, Vallejo | Fairplex Park, Pomona |
| Sonoma County Fair, Santa Rosa | Santa Anita, Arcadia |
| Stanislaus County Fair, Turlock | Viejas Casino & Turf Club, Alpine |
| Tulare County Fair, Tulare | Earl Warren Showgrounds, Santa Barbara |
| | Sycuan Gaming Center, El Cajon |
| | Ventura County Fair, Ventura |
| | San Bernardino County Fair, Victorville |

- D. Out-of-state wagering systems the association proposes to offer its live audiovisual signal:

**Pacific Racing Association/Golden Gate Fields
May 11, 2005 – June 19, 2005
Out-of-State Imports - Full or Partial Card**

<u>TRACK</u>
Arlington Park
Calder/Tropical Park
Canterbury Downs
Churchill Downs
Delaware Park
Ellis Park
Emerald Downs
Fair Grounds
Hastings Park
Hawthorne
Hoosier Park
Keeneland
Kentucky Downs
Lone Star Park
Louisiana Downs
Meadowlands
Monmouth Park
NYRA
Oaklawn
Penn National
Philadelphia Park
Remington Park
Rockingham Park
Sportsman's Park
Sunland Park
Tampa Bay Downs
Thistledown
Turf Paradise
Turfway Park

E. Out-of-state wagering systems that will combine their pari-mutuel pools with those of the association:

Acoma Pueblo, NM
 American Tab, OH
 Arapahoe Park, CO
 Arlington International Race Course, IL
 Atlantic City Casino Assn., NJ
 Atlantic City Race Course, NJ
 Atokad Downs, NE
 Balmoral Park, IL
 Batavia Downs, NY
 Bettor Racing OTB, SD
 Beulah Park, OH
 Birmingham Race Course, AL
 Blue Ribbon Downs, OK
 Bluff's Run, IA
 Boyd Gaming d/b/a Delta Downs-LA
 Buffalo Trotting Association, NY
 Calder Race Course, FL
 Canterbury Park, MN
 *Capital District OTB, NY
 *Catskill Off-Track Betting, NY
 Charles Town Races, WV
 Choctaw Racing Services, L.L.C., OK
 Churchill Downs, KY
 Churchill Downs Sports Spectrum, KY
 Coeur d' Alene Hotel & Casino, ID
 *Coeur d' Alene Hotel & Casino, ID
 Colonial Downs, VA
 Columbus Races, NE
 Comanche Nation Games, OK
 *Connecticut OTB, CT
 Corpus Christi Greyhound Track, TX
 Dairyland Greyhound Park, WI
 Delaware Park, DE
 Delta Downs, LA
 Dover Downs, DE
 Downs at Albuquerque, NM
 Ellis Park, KY
 Emerald Downs, WA
 Eureka Downs, KS
 Evangeline Downs, LA
 Excelsior Hotel, Aruba
 Fair Grounds, LA
 Fair Meadows, IL
 Fairmount Park, IL
 Finger Lakes Race Track, NY
 Fire Lakes d/b/a Citizen Band Potawatomi, OK
 Fonner Park, NE
 Foxwoods Casino, CT
 Freehold Raceway, NJ
 Garden State Park, NJ
 Geneva Lakes Kennel Club, WI
 Great Lakes Downs, MI
 Greentrack, AL
 Gulfstream Park, FL
 Harrington Raceway & Simulcast Facility, DE
 Hawthorne Race Course, IL
 Hazel Park, MI
 Hinsdale Greyhound Park, NH
 *Holiday Beach Hotel, NV
 Hoosier Park, IN
 *Horsemen's Atokad Park, NE
 *Horsemen's Park, NE
 International Racing Group, N.V., NV
 Jackson Harness Raceway, MI
 Juarez, TX
 Keeneland, KY
 Kentucky Downs, KY
 Kentucky OTB, KY
 Las Vegas Dissemination Services, NV
 Lebanon Trotting Club, OH

Les Bois Park, ID
 Lewiston OTB, ME
 Lincoln Park, RI
 Lincoln State Fair, NE
 Lone Star Race Park, TX
 Louisiana Downs, LA
 Manor Downs, TX
 Maryland Jockey Club, MD
 Maywood Park, IL
 Meskwaki Casino, IA
 Mobile Greyhound Park, AL
 Monmouth Park, NJ
 Montana Simulcast Partners (IMS), MT
 Monticello Raceway, NY
 Mountaineer Park, WV
 Mt. Pleasant Meadows, MI
 Multnomah Greyhound Park, OR
 *Nassau Downs Regional OTB, NY
 Nebraska State Fair Park, NE
 Nevada Pari-Mutuel Association, NV
 New Jersey Sports & Exposition, NJ
 New Mexico State Fair, NM
 *New York City Off-Track Betting, NY
 *New York Racing Association, NY
 Newport Jai Alai, RI
 Northfield Park, OH
 Northville Downs, MI
 Northville Racing Corp., MI
 Oaklawn Park, AR
 Ocean Downs, MD
 *Penn National Race Course, PA
 *Philadelphia Park, PA
 Plainridge Racecourse, MA
 Playfair Race Course, WA
 Pocono Downs, PA
 Pojoaque Pueblo Gaming, Inc., NM
 Portland Meadows, OR
 Potawatomi Indian Tribe of OK
 Prairie Meadows, IA
 Raceway Park, OH
 *Racing & Gaming Services, W.I
 Racing Services, Inc., ND
 Randall Doc James, St. Croix, USVI
 Remington Park, OK
 Retama Park, TX
 Rillito Park, AZ
 River Downs, OH
 Rockingham Park, NH
 Rosecroft Raceway, NY
 Ruidoso Downs, NM
 Saginaw Harness, MI
 Sam Houston Park, TX
 Saratoga Raceway, NY
 Scarborough Downs, ME
 Schenectady OTB, NY
 Scioto Downs, OH
 Southland Greyhound Park-AR
 Sports Creek Raceway, MI
 Sportsman's Park, IL
 St. Croix Greyhound Park, WI
 Suffolk Downs, MA
 Sunland Park Racetrack, NM
 SunRay Park and Casino, NM
 Tampa Bay Downs, FL
 *The Meadows, PA
 *The Racing Channel, OR
 The Stables, OK
 The Texas Hub, TX
 Thistledown Racing Club, OH
 *Thoroughbred Racing International, PA
 Tonkawa Bingo, OK

Tri-State Greyhound, WV
 *TRN International
 Tucson Greyhound Park, AZ
 Turfway Park, KY
 Turf Paradise, AZ
 Turning Stone Casino, NY
 *US Offtrack d/b/a Greyhound Channel-OR
 Valley Race Park, TX
 Vernon Downs, NY
 *Western Regional OTB, NY
 Wichita Greyhound Park, KS
 Will Rogers Downs, OK
 Wonderland Greyhound Park, MA
 Woodlands, KS
 Wyoming OTB, WY
 Yavapai Downs, AZ
 Yonkers Raceway, NY
 *Youbet.com, PA

Separate Pools

Assiniboia Downs, CAN
 Caliente (Hipodromo De Agua Caliente), MEX
 Caymanas Park, JA
 Edmonton Northlands, AL, CAN
 Elmira Raceway, ON, CAN
 Flamboro Downs, ON, CAN
 Fraser Downs, BC, CAN
 Hiawatha Downs, ON, CAN
 Hipodromo d'Aylmer, QU, CAN
 Hipodromo Presidente Remon, PA
 Juarez, MEX
 Las Vegas Dissemination Co., NV
 l' Hippodrome de Montreal, ML, CAN
 Marquis Downs, SA, CA
 Ontario Jockey Club, ON, CAN
 Pacific Racing Association, BC, CAN
 Queensbury Downs, SA, CAN
 Rideau Carleton, ON, CAN
 Stampede Park, AL, CAN
 Stevenson & Associates, MD
 Western Fair, ON, CAN
 Windsor Raceway, ON, CAN

1. Include a list of out-of-state sites with the percentage the association is charging the site for the simulcasting activity.

- F. For **THOROUGHBRED** racing associations, list the host track from which the association proposes to import out-of-state and/or out-of-country thoroughbred races. Include the dates imported races will be held, and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":

NOTICE TO APPLICANT: B&P Code Section 19596.2(a) stipulates that on days when live thoroughbred or fair racing is being conducted in the state, the number of thoroughbred races which may be imported by an association or fair during the calendar period the association or fair is conducting its racing meeting cannot exceed a combined daily total of 23 imported thoroughbred races statewide. The limitation of 23 imported thoroughbred races per day statewide does not apply to those races specified in B&P Code Section 19596.2(a)(1), (2), (3) and (4).

THOROUGHBRED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
See 8D.		

- G. For **QUARTER HORSE** racing associations, list the host track from which the association proposes to import out-of-state and/or out-of-country quarter horse races. Include the dates imported races will be held, and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":

QUARTER HORSE SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Los Alamitos	Per CHRB calendar	Full Card

- H. For **STANDARD BRED** racing associations, list the host tracks from which the association proposes to import out-of-state and/or out-of-country harness races. Include the dates imported races will be held, and whether or not a full card will be accepted. If the full card will not be imported, state "selected feature and/or stakes races":

HARNESS SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Race Dates	Full Card or Selected Feature and/or Stakes Races
Capital Harness	Per CHRB calendar	Full Card
Cal Expo	Per CHRB calendar	Full Card

- I. For **ALL** racing associations, list imported simulcast races the association plans to receive which use breeds other than the breed of the majority of horses racing at its live horse racing meeting. Include the name of the host track, the dates imported races will be held, and how many races will be imported:

OTHER BREED SIMULCAST RACES TO BE IMPORTED

Name of Host Track	Breed of Horse	Race Dates	Number of Races to be Imported
None			

- J. For **ALL** racing associations, if any out-of-state or out-of-country races will commence outside of the time constraints set forth in B&P Code Section 19596.2(d), attach a copy showing the agreement by the appropriate racing association(s).

NOTICE TO APPLICANT: All interstate wagering to be conducted by an association is subject to the provisions of Title 15, United States Codes, which require specific written approval of the CHRB and of the racing commission having jurisdiction in the out-of-state

venue. All international wagering to be conducted by an association is subject to the provision of B&P Code Sections 19596, 19596.1, 19596.2, 19601, 19602, and 19616.1, and will require specific written approval of the CHRB.

Every association shall pay over to the simulcast organization within 3 calendar days following the closing of wagering for any day or night racing program, or upon receipt of the proceeds, such amounts that are retained from off-track simulcast wagering, interstate and out-of-state wagering, and which are obligated by statute for guest commissions, simulcast operator's expenses and promotions, equine research, local government in-lieu taxes, and stabling and vanning deductions. Every association shall pay to its Paymaster of Purses' account within 3 calendar days following the closing of wagering for each day or night racing program, or upon receipt of the proceeds, such amounts that are retained or obligated from off-track simulcast wagering, interstate and out-of-state wagering for purses, breeders' awards or other benefits to horsemen. (See Notice to Applicant, Section 5.)

9. CHARITY RACING DAYS

- A. Name and address of the distributing agent (charity foundation) for the net proceeds from charity racing days held by the association: **Pacific Racing Association is agent for distribution.**
- B. Names and addresses of the trustees or directors of the distributing agent:
Pacific Racing Association will act as its own distributing agent.
- C. Dates the association will conduct races as charity racing days OR:
- D. Will the association pay the distributing agent an amount equal to the maximum required under B&P Code Section 19550(b)? ☒ Yes

NOTICE TO APPLICANT: Net proceeds from charity racing days shall be paid to the designated and approved distributing agent within 180 days following the conclusion of the association's race meeting in accordance with the provisions of B&P Code Section 19555. Thereafter, the distributing agent shall distribute not less than 90% of the aggregate proceeds from such charity racing days within 12 calendar months after the last day of the meeting during which the charity racing days were conducted and shall distribute the remaining funds as soon thereafter as is practicable. At least 20% of the distribution shall be made to charities associated with the horse racing industry in accordance with the provisions of B&P Code Section 19556(b).

10. RACING OFFICIALS, OFFICIALS, AND OFFICIATING EQUIPMENT

- A. Racing officials nominated:

Association Veterinarian(s)	Robert Connolly
Clerk of Scales	Paul Nicolo
Clerk of the Course	Anne S. Daftary
Film Specialist	Paul Nicolo
Horse Identifier	Patrick Kealy
Horseshoe Inspector	Jack Hammonds
Paddock Judge	Gary Lawless
Patrol Judges	Ella Robinson & Gary Lawless
Placing Judges	C. Gregory Brent & Tina Walker
Starter	Chuck Burkes
Timer	Richard Somers
- B. Management officials in the racing department:

Director of Racing	Peter W. Tunney
Racing Secretary	Sean Greely
Assistant Racing Secretary	Linda Anderson
Paymaster of Purses	Patricia Prospero
Others (identify by name and title)	
Assistant Clerk of Scales	Ken Sjordal

Main Track Superintendent
 Turf Track Superintendent
 Price Maker
 Stable Area Superintendent

Ron Moore
 Jason Spetnagel
 Richard Somers
 Carrie Fawcett

- C. Name, address and telephone number of the reporter employed to record and prepare transcripts of hearings conducted by the stewards:

**Christine Niccoli, Niccoli Reporting Service
 619 Pilgrim Drive, Foster City, CA 94404-1707, (650) 573-9339**

- D. Photographic device to be used for photographing the finish of all races, name of the person supplying the service, and expiration date of the service contract:

Plusmic Corp., USA, Bill O'Brien, Expires: 3/07

- E. Photo patrol video equipment to be used to record all races, name of the person supplying the service, and expiration date of the service contract. Specify the number and location of cameras for dirt and turf tracks.

**Pegasus Communications, Inc., Jim Porep, Jr.
 System maintained in house Equipment contract expires: 12/31/07**

Cameras are in place at the 1/4 pole, 3/8 pole and 7/8 pole towers. There are two cameras located on the roof and two on the ground, at the finish line and the starting gate.

- F. Type of electronic timing device to be used for the timing of all races, name of the person supplying the service, and expiration date of the service contract: **Pacific Racing Association electronic timer is installed and maintained by Pacific Racing Association staff.**

11. SECURITY CONTROLS

- A. Name and title of the person responsible for security controls on the premises. Include an organizational chart of the security department and a list of the names of security personnel and contact telephone numbers.

**T.W. Johnson, Director of Security is responsible for security on site, cell phone (510) 418-3161
 Security Department organizational chart is attached.
 Security Department phone number (510) 559-7370
 Stable Security phone number (510) 559-7533**

- B. Estimated number of security guards, gatemen, patrolmen or others to be engaged in security tasks on a regular full-time basis: **24**

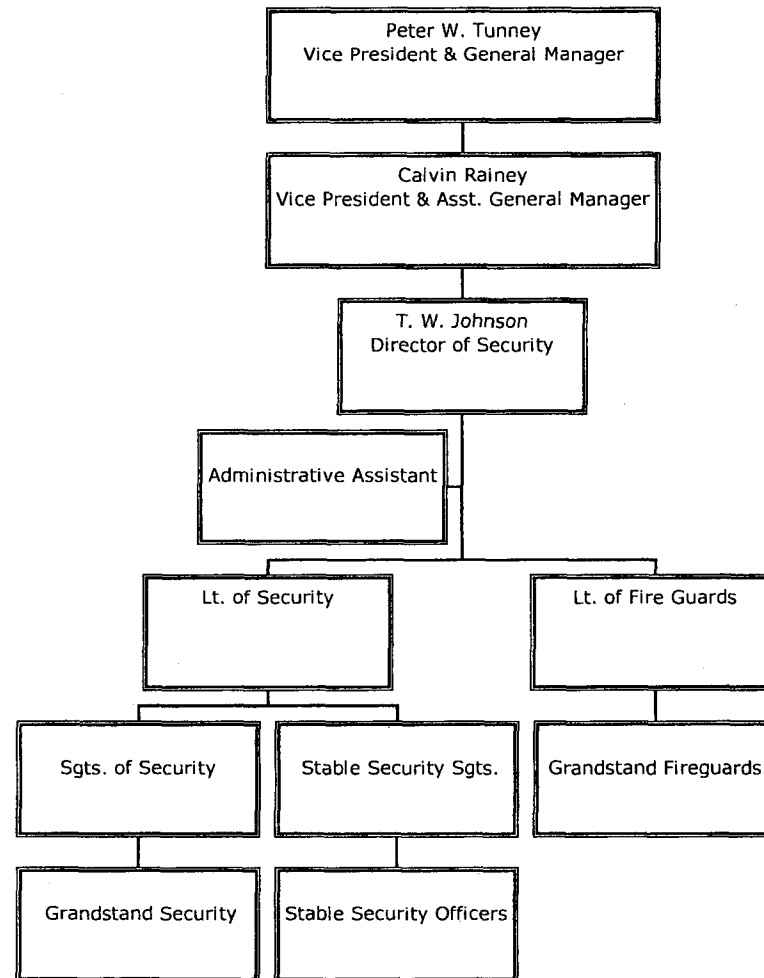
1. Attach a written plan for enhanced security for graded/stakes races. **Not applicable.**
2. Attach a written plan for enhanced surveillance of barns. **Electronic surveillance as needed in addition to human surveillance 24 hours per day prior to racing.**

- C. Describe the electronic security system: **Electronic surveillance system consists of cameras placed strategically throughout the plant.**

1. Location and number of video surveillance cameras for the detention barn and stable gate.
Three cameras currently located at: Main Stable Gate, Walk-In Gate & Detention area.

- D. For night racing associations: Describe emergency lighting system: **Not applicable.**

SECURITY DEPARTMENT ORGANIZATIONAL CHART





City of Albany

1000 SAN PABLO AVE. • ALBANY, CALIF. 94706 • TELEPHONE (510) 528-5775 • FAX (510) 528-5774

FIRE DEPARTMENT
FIRE PREVENTION BUREAU

11 April 2005

Peter Tunney
Vice President & General Manager
Jason Spetnagel
Plans Superintendent
Pacific Racing Association/Golden Gate Fields
1100 Eastshore Highway
Albany, CA 94706

Dear Mr. Tunney & Mr. Spetnagel,

On the 12th & 14th of October 2004, Fire and Life Safety inspections were conducted by this office under the *Fire Prevention Code*, NFPA 1, the Fundamental Requirements listed in the *Life Safety Code*, NFPA 101, Chapter 2, the 2001 California Fire Code and California Code of Regulations. Listed below are the results of the inspection and code references. All areas of Golden Gate Fields Race Track, within the jurisdiction of the Albany Fire Department have been inspected including GGF's Corporation Yard at this time.

Due to the racing season changing, the Albany Fire Prevention Bureau will extend the fire clearance until 1 July 2005.

Conditional Fire Clearance

Conditional fire clearance is granted for the racing season May 2005 through June 2005 Racing Season. All Fire & Life Safety items are being completed. During the course of the 2005 Racing Season, the Albany Fire Prevention Bureau will conduct periodic Fire & Life Safety Inspections. In the event of a flagrant Fire or Life Safety violation, their clearance will be revoked.

If you have any questions regarding this matter, please do not hesitate to contact me at (510) 528-5775.

Sincerely,

Brian J. Crudo
Battalion Chief/Fire Marshal

cc: Marc McGinn, Fire Chief
Pat Noble, C.H.R.B. ✓
Cal Rainey, Assistant General Manager, GGF
Elsa K. Hyder, Executive Assistant, GGF

Golden Gate Fields

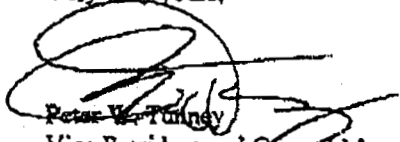
January 21, 2005


Mr. David Ross
Fire Inspector
City of Berkeley
Sent Via Fax: (510) 981-5579

Dear Mr. Ross:

This letter confirms that Pacific Racing Association at Golden Gate Fields has no Fire and Life Safety violations outstanding following the inspection conducted by your office. In accordance with your instructions to Pat Noble of the California Horse Racing Board, we request your signature below to verify that we have received Fire Clearance from the City of Berkeley for the period November 2004 through November 2005. Thank you in advance for your prompt attention to this request.

Very truly yours,


Peter W. Tunney
Vice President and General Manager


David Ross, Fire Inspector
City of Berkeley

PWT:ekh

Pacific Racing Association
1100 Eastshore Highway, P.O. Box 6027, Albany, California 94706
A Magna Entertainment Corp. Facility

TOTAL P.02



Aon Reed Stenhouse Inc.

20 Bay Street
Toronto, Canada M5J 2N9
Tel: (416) 868-5500 Fax: (416) 868-5580

Memorandum of Insurance

No. M112 /05-06

To: California Horse Racing Board
Attn: Insurance Department
1010 Hurley Way
Sacramento, California 95825

Re: For Evidence of Coverage

Insurance as described herein has been arranged on behalf of the insured named herein under the following policy(ies) and as more fully described by the terms, conditions, exclusions and provisions contained in the said policy(ies) and any endorsements attached thereto.

Insured: Magna Entertainment Corp. a/o The Los Angeles Turf Club, Inc. a/o MI Developments Inc.
285 W Huttington Drive
Arcadia, CA 91007

Coverage:

US Commercial General
Liability

Workers' Compensation

Insurer	Policy No.	Policy Eff.Date	Policy Exp.Date	Limit(s) of Liability not less than/ Perils Insured
Zurich American Insurance Company	GLO9302183 -03	Jan. 1/2005	Jan. 1/2006	\$1,000,000 USD INCLUSIVE Bodily Injury and Property Damage subject to aggregate where applicable
Liberty International	WC2-B71- 072827-025	Jan. 1/2005	Jan. 1/2006	As per applicable State Law

This memorandum constitutes a statement of the facts as of the date of issuance and are so represented and warranted only to the insured; other persons relying on this memorandum do so at their own risk.

Aon Reed Stenhouse Inc.

Dated December 30, 2004, at Toronto, Ontario


Mary M. Smith, Supervisor
Technical Services Department

Issued by: Alexandra Schrader
Direct Line: 416-868-5603

**THE POLICY CONTAINS A CLAUSE THAT MAY LIMIT THE AMOUNT PAYABLE
OR, IN THE CASE OF AUTOMOBILE INSURANCE,
THE POLICY CONTAINS A PARTIAL PAYMENT OF LOSS CLAUSE**

12. EMERGENCY SERVICES

- A. Name, address and emergency telephone number of the ambulance service to be used during workouts and the running of the races:
Brad Winding, Turf Rescue, LLC
19615 Barclay Road, Castro Valley, CA 94546, (510) 581-8470
- B. Name, address and emergency telephone number of the ambulance service to be used during workouts at auxiliary sites:
Bayshore Ambulance, P.O. Box 4622, Foster City, CA 94404, (650) 525-9700
- C. Attach a fire clearance from the fire authority having jurisdiction over the premises.
Berkeley and Albany on file with the Board.
- D. Name of the workers' compensation insurance carrier for the association and the number of the insurance policy (if self-insured, provide details): **Liberty Mutual - Policy #WC2-B71-072827-025**
- E. Attach a Certificate of Insurance for workers' compensation coverage. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of insurance that secures the liability of the association for payment of workers' compensation.
On file with the Board.

13. CONCESSIONAIRES AND SERVICE CONTRACTORS

Names and addresses of all persons to whom a concession or service contract has been given, **other than those already identified**, and the goods and/or services to be provided by each:

Tip Sheets	Jack's Blue Card, 127 Sun Avenue, Hayward, CA 94544
Armored Car Services	Loomis Armored Car, P.O. Box 44196, San Francisco, CA 94144
Track Physician	Dr. David Seftel, Conocen Corp., 1083 Shell Blvd., #10, Foster City, CA 94404
Official Program	Del Mar Graphics, 1100 Eastshore Highway, Albany, CA 94706
Jockey's Laundry	F. Lorene Dutton, Bailey's Mobile Laundry 3263 Vineyard Ave., Pleasanton, CA 94566
Starting Gate	Mike Costello, United Puett Starting Gate Co., P.O. Box 18, S. Salem, NY 10590
Track Photographer	Bill Vassar, Vassar Photography, 1167 Sapphire Drive, Livermore, CA 94550

14. ON-TRACK ATTENDANCE/FAN DEVELOPMENT

- A. Estimated advertising budget for meeting:
- B. Describe any promotional plans and estimated budget for each promotional activity for meeting:

- C. Number of hosts and hostesses employed for meeting: 4 Customer Service Representatives,
5 Group Sales Hosts/Hostesses
- D. Describe facilities set aside for new fans:
Horse Wizard Lounge – Representatives will educate new customers on how to wager in a fun filled interactive environment.
How to Play the Horses Booth – This booth will be set up near the event areas to help teach new customers how to wager.
- E. Describe any improvements to the physical facility in advance of the meeting that directly benefit:
1. Horsemen – **Increased maintenance work in the barn area.**
 2. Fans – **Horse Wizard Lounge opened in November 2004, How to Play the Horses Booth for increased customer service and additional wagering terminals have been added throughout the facility as well as new television monitors in key patron locations.**
 3. Facilities in the restricted areas – **Equine Hospital**

15. SCHEDULE OF CHARGES

- A. Proposed charges, note any changes from the previous year:
- | | |
|------------------------------|---------|
| Admission (general) | \$ 3.00 |
| Admission (clubhouse) | \$ 4.00 |
| Reserved seating (general) | n/a |
| Reserved seating (clubhouse) | \$ 3.00 |
| Parking (general) | \$ 3.00 |
| Parking (preferred) | \$ 7.00 |
| Parking (valet) | \$ 7.00 |
| Programs (on-track) | \$ 2.00 |
| (off-track) | \$ 2.25 |
- B. Describe any "Season Boxes" and "Turf Club Membership" fees:
- | | |
|---|---------|
| Turf Club – Full Season Single Membership | \$1,000 |
| Turf Club – Full Season Dual Membership | \$2,000 |
| Top of the Stretch – Full Season Membership | \$ 500 |
| Clubhouse Box (4 seats, no admission) | \$ 450 |
| Clubhouse Season Pass (Admission only) | \$ 400 |
| Grandstand Season Pass (Admission only) | \$ 200 |
- C. Describe any "package" plans such as combined parking, admission and program: **None**

16. JOCKEYS/DRIVERS' QUARTERS

- A. Check the applicable amenities available in the jockeys/drivers' quarters:

<input checked="" type="checkbox"/> Corners (lockers and cubicles)	How many	<input type="text" value="23"/>
<input checked="" type="checkbox"/> Showers	<input checked="" type="checkbox"/> Steam room, sauna or steam cabinets	<input checked="" type="checkbox"/> Lounge area
<input checked="" type="checkbox"/> Masseur	<input checked="" type="checkbox"/> Food/beverage service	<input checked="" type="checkbox"/> Certified platform scale

- B. Describe the quarters to be used for female jockeys/drivers:
Fifteen by twenty foot room accessed from a community hallway. The room has a television and bed with an attached shower room, sink and toilet.

17. BACKSTRETCH EMPLOYEE HOUSING

- A. Inspection of backstretch housing was completed by:
Supervising Investigator Bob Gai & Stable Gate Superintendent Carrie Fawcett - 2/3/2005.
- B. Number of rooms used for housing on the backstretch of the racetrack: **128**
- C. Number of restrooms available on the backstretch of the racetrack:
18 with showers, 7 in office areas.
- D. Estimated ratio of restroom facilities to the number of backstretch personnel:
1 restroom for every 12 people.

18. TRACK SAFETY

- A. Total distance of the racecourse - measured from the finish line counterclockwise (3' from the inner railing) back to the finish line:

5.280

 feet.
- B. Describe the type(s) of materials used for the inner and outer railings of the race course, the type of inner railing supports (i.e., metal gooseneck, wood 4" x 4" uprights, offset wood 4" x 4" supports, etc.), the coverings, if any, on the top of the inner railing, and the approximate height of the top of the inner railing from the level of the race course.
Inner and outer railings are metal gooseneck. Coverings are Fontana Safety Rail. Approximate height of the top of the inner railing is 42 inches.
- C. Name of the person responsible for supervision of the maintenance of the racetrack safety standards pursuant to CHRB Rule 1474: **Ron Moore**
- D. Attach a Track Safety Maintenance Program pursuant to CHRB Rule 1474.
On file with the Board.
- E. If the association is requesting approval to implement alternate methodologies to the provisions of Article 3.5, Track Safety Standards, pursuant to CHRB Rule 1471, attach a Certificate of Insurance for liability insurance which will be in force for the duration of the meeting specified in Section 2. The CHRB is to be named as a certificate holder and given not less than 10 days' notice of any cancellation or termination of liability insurance. Additionally, the CHRB must be listed as additionally insured on the liability policy at a minimum amount of \$3 million per incident. The liability insurance certificate must be on file in the CHRB headquarters office prior to the conduct of any racing. **Not applicable.**

19. DECLARATIONS

- A. All labor and lease agreements and concession and service contracts necessary to conduct the entire meeting have been finalized except as follows (if no exceptions, so state): No exceptions.
- B. Attach each Horsemen's agreement pursuant to CHRB Rule 2044. Signed agreements will be submitted prior to Board approval of license application.
- C. Attach a lease agreement permitting the association to occupy the racing facility during the entire term of the meeting. (In the absence of either a lease agreement or a horsemen's agreement, a request for an extension pursuant to CHRB Rule 1407 shall be made). Not applicable.
- D. All service contractors and concessionaires have valid state, county or city licenses authorizing each to engage in the type of service to be provided and have valid labor agreements, when applicable, which remain in effect for the entire term of the meeting except as follows (if no exceptions, so state): No exceptions.
- E. Absent natural disasters or causes beyond the control of the association, its service contractors, concessionaires or horsemen participating at the meeting, no reasons are believed to exist that may result in a stoppage to racing at the meeting or the withholding of any vital service to the association except as follows (if no exceptions, so state): No exceptions.

NOTICE TO APPLICANT: Pursuant to CHRB Rules 1870 and 1871, the CHRB shall be given 15 days' notice in writing of any intention to terminate a horse racing meeting or the engagements or services of any licensee, approved concessionaire, or approved service contractor.

20. CERTIFICATION BY APPLICANT

I hereby certify under penalty of perjury that I have examined this application, that all of the foregoing statements in this application are true and correct, and that I am authorized by the association to attest to this application on its behalf.

PETER W. TUNNEY
Print Name

[Signature]
Signature

VICE PRESIDENT - GENERAL MANAGERS
Print Title

4/12/05
Date

STAFF ANALYSIS
PROPOSED ADOPTION OF RULES
1420. DEFINITIONS
AND
1615. SCALE OF WEIGHTS FOR AGE
AND REPEAL OF RULES
1616. MINIMUM WEIGHTS TO BE CARRIED
AND
1684. ITEMS INCLUDED IN WEIGHT

Regular Board Meeting
April 28, 2005

BACKGROUND

Business and Professions (B&P) Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are conducted, and over all persons or things having to do with the operation of such meetings is vested in the California Horse Racing Board. B&P Code Section 19562 provides that the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results will be conducted in this state. Board Rule 1615, Scale of Weights For Age, mandates the weights to be carried if the conditions for a race do not specify otherwise.

At the March 25, 2004, Regular Board Meeting, the Jockeys' Guild (Guild) proposed an increase in California's jockey weight allowances. After hearing the proposal the Board directed staff to draft amendments to Board rules affecting jockey weights. At the June 2004 Regular Board Meeting proposals to amend rules 1615, Scale of Weights for Age, and 1420, Definitions, and to repeal rules 1616, Minimum Weights to be Carried and 1684, Items Included in Weight, were presented. The Board directed staff to initiate a 45-day public comment period for the proposed amendments. The proposals to amend rules 1615 and 1420, and repeal rules 1616 and 1684, were heard for adoption at the August 2004 Regular Board Meeting. After extensive testimony, the Board directed staff to prepare a modified text of Rule 1615 for consideration at a future date. The Board again discussed the proposed regulation at the February 2005 Regular Board Meeting and directed staff to initiate a 45-day public comment period.

ANALYSIS

The proposal to amend Rule 1615 would replace the scale of weights for age of the horse and set new minimum weights for California jockeys. The proposed amendment sets minimum weights for jockeys riding an Arabian or Thoroughbred horse at 116 pounds. For jockeys riding an Appaloosa, Paint, Quarter Horse or mule, the minimum weight is 121 pounds. In addition the minimum weights in handicap races is 112 pounds. The proposed amendment also requires that every horse shall carry ten pounds of riding gear from withers to rump, and the

official program would be required to state the jockey's actual weight, the weight of the equipment and the combined total weight of jockey and equipment. The proposed amendment to Rule 1615 does not alter or affect apprentice allowances, but if an allowance is used, the minimum weight may be reduced by the amount of the allowance. The proposed amendment to Rule 1615 includes minimum body fat requirements for men and women. The proposal provides for a minimum body fat content of 10 percent for female jockeys and 5 percent for male jockeys. Finally, subparagraph (h) of the proposed amendment to Rule 1615 exempts jockeys licensed in the United States before December 31, 2004, from the minimum body fat requirements for a period of 24 months commencing on the effective date of the regulation.

The proposal to amend Rule 1420 would delete subsection (aa), which defines "weight for age." Rule 1616 would be repealed due to the new jockey weights proposed under Rule 1615. Rule 1684 would be repealed as the proposed amendment to Rule 1615 defines most of the items in Rule 1684 as "riding gear" rather than items to be included in jockey weight. The remaining items in Rule 1684 are not considered riding gear or part of the jockey's weight.

RECOMMENDATION

Comments and supporting documentation received from the associations, Thoroughbred Owners of California and California Thoroughbred Trainers during the 45-day public comment period have been distributed to the Board Members.

Staff recommends the Board hear from interested parties.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 2. DEFINITIONS
PROPOSED AMENDMENT OF
RULE 1420
Definitions

Regular Board Meeting
April 28, 2005

1420. Definitions.

As used in these rules:

(a) "Chairman" means the member elected by the Board to be Chairman of the Board and its presiding member.

(b) "Commissioner" means a member of the Board.

(c) "Age of Horse" means the age as reckoned beginning on the first day of January of the year in which the horse was foaled.

(d) "Authorized Agent" means an agent appointed by a written document, which is signed by the owner and filed with the Board.

(e) "Breeder" means the owner of the dam at the time of foaling.

(f) "Conviction" includes a plea of guilty, forfeiture of bail, a judgment or verdict of guilty, or a conviction following a plea of nolo contendere, whether or not the conviction is later set aside pursuant to the provisions of Section 1203.4 of the Penal Code.

(g) "Driver" means one who drives and controls the horse from a seated position on a two-wheel vehicle.

(h) "Horse" means an equine and includes a stallion, gelding, mare, colt, filly or ridgling and includes mule, jack, jenny, ginnet, and hinney.

(i) "Jockey" means a race rider.

(j) "Licensee" means a licensee of the California Horse Racing Board.

(k) "Maiden" means a horse which has never won a race on the flat in a state or country where the races are covered by the Daily Racing Form or other similar authorized publication. A maiden which has been disqualified after finishing first is still a maiden. Conditions referring to maidens apply to the status at the time of starting.

(l) "Nominator" means a person in whose name a horse is entered to race.

(m) "Objection" means a formal complaint filed before a race with the stewards or the Board objecting to the eligibility of any horse to compete in the race or the right of any person to participate in the race.

(n) "Owner" includes the owner, part owner and lessee of any horse. An interest only in the earnings of a horse does not constitute ownership. If husband and wife, it is presumed that joint ownership exists.

(o) "Post" means the place on the race course from which a start is made.

(p) "Post Time" means the definite time for the start of a race, and is indicated by a clock device set up as directed by the Board.

(q) "Premises" means the inclosure and all other areas collectively utilized by an association in connection with its conduct of a licensed race meeting, including parking lots, auxiliary stabling areas, public inclosure and restricted areas, whether or not the areas are adjacent to the inclosure.

(r) "Protest" means a formal complaint filed after a race with the stewards or the Board protesting the right of any horse to a place, purse or award in the race, or protesting any

decision of the stewards relating to the eligibility, participation or placing of any horse in a race.

(s) "Race" means a contest among horses for a purse, stake or reward, contested at an authorized race meeting. "Race" includes but is not limited to:

(1) Purse Race. A race for money or any other prize to which the owners of the horses engaged do not contribute.

(2) Stake Race. A race for which owners of horses entered or engaged for the race contribute to a purse for which money or any other prize may be added, nominations to which close 72 hours or more before starting.

(3) Claiming Race. A race in which any horse entered therein may be claimed in conformity with the rules established by the Board.

(4) Handicap Race. A race in which the weights to be carried by the entered horses are adjusted by a handicapper, board of handicappers or the racing secretary, to equalize their respective chances of winning.

(5) Overnight Race. A race in which entries close 72 hours or less, excluding Sundays, in advance of the first race of the day on which the race is to be run.

(6) Walkover. A stake race in which only one horse starts or in which all the starters are owned by the same interest.

(7) Invitational Stake Race. An invitational stake race or an invitational handicap race for which owners do not contribute to the purse, but which is advertised in the regular stakes program, shall also be considered a stake race.

(8) Non-wagering Race. A race contested without pari-mutuel wagering on its results including a race upon which pari-mutuel wagering is canceled.

(9) Match Race. A race contested between two horses under conditions of the contest agreed to by their owners.

(10) "Special Racing Event". A race of unique interest, magnitude or fame. "Special racing event" shall also mean an exhibition race when approved by the Board.

(11) "Exhibition Race". A race contested under conditions established by the association as a promotional event or to provide a special racing opportunity to a particular horse or class of horse or class of participants and to which the association contributes the purse or awards for the contest. No pari-mutuel wagering may be conducted on the results of an exhibition race.

(t) "Race on the Flat" means a race run over a course on which no jumps or other obstacles are placed.

(u) "Recognized Meeting," "Race Meeting," or "Authorized Meeting" means the entire period under the conduct of an association within the inclosure of the designated grounds, and for which a license has been granted by the Board. When the context in the rules applies, it may include a meeting conducted by an association in some other jurisdiction recognized by the Board.

(v) "Restricted Area" means those areas within the inclosure where admission can be obtained only upon presentation of authorized credentials, proper license or visitor's pass, including those areas designated as the stable area, receiving or detention barn, jockey room, saddling paddock, race course and pari-mutuel department.

(w) "Rules" means the Rules and Regulations of the California Horse Racing Board and the orders of the Board.

(x) "Starter" means a horse when it is in the starting gate stall, and, when the field is dispatched by the starter, the stall gate in front of the horse is opened.

(y) "Sulky" means a dual wheel racing vehicle with dual shafts not exceeding the height of the horses withers. Shafts must be hooked separately on each side.

(z) "Time of Race Meeting" means that period of time commencing at 12:01 A.M. on the first day of racing at a recognized meeting and concluding at 12:00 midnight after the final race of the last day of racing as allocated and licensed by the Board.

~~(aa) "Weight for Age" means the standard weight to be carried by a horse according to the scale established by the rules, and remains such though there be penalties or allowances.~~

Authority: Sections 19440, 19562 and 19563,
Business and Professions Code.

Reference: Sections 19401(e) and 19420,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
 TITLE 4. CALIFORNIA CODE OF REGULATIONS
 ARTICLE 6. ENTRIES AND DECLARATIONS
 PROPOSED AMENDMENT OF
 RULE 1615
 Scale of Weights For Age

Regular Board Meeting
 April 28, 2005

1615. Scale of Weights For Age.

The following scale of weights for age shall be carried if the conditions for a race do not specify otherwise:

Distance	Age	Jan. and Feb.	March and April	May	June	July	Aug	Sept.	Oct.	Nov. and Dec.
1/2 mile	2 years....	-	-	-	-	-	105	108	111	114
	3 years...	117	119	121	123	125	126	127	128	129
	4 years...	130	130	130	130	130	130	130	130	130
	5 years and —up....	130	130	130	130	130	130	130	130	130
	2 years....	-	-	-	-	-	102	105	108	111
3/4 mile	3 years....	114	117	119	121	123	125	126	127	128
	4 years....	129	130	130	130	130	130	130	130	130
	5 years and —up....	130	130	130	130	130	130	130	130	130
	2 years....	-	-	-	-	-	-	96	99	102
	3 years....	107	111	113	115	117	119	121	122	123
1 mile	4 years....	127	128	127	126	126	126	126	126	126
	5 years and —up....	128	128	127	126	126	126	126	126	126
	2 years....	-	-	-	-	-	-	-	-	-
	3 years....	101	107	111	113	116	118	120	121	122
	4 years....	125	127	127	126	126	126	126	126	126
1 1/4 miles	5 years and —up....	127	127	127	126	126	126	126	126	126
	2 years....	-	-	-	-	-	-	-	-	-
	3 years....	98	104	108	111	114	117	119	121	122
	4 years....	124	126	126	126	126	126	126	126	126
	5 years and —up	126	126	126	126	126	126	126	126	126
2 miles	3 years...	96	102	106	109	112	114	117	119	120
	4 years....	124	126	126	126	126	125	125	124	124
	5 years and —up....	126	126	126	126	126	125	125	124	124

In a race of intermediate distance weights for the shorter distance shall be carried.

(a) Every horse shall carry a minimum of 10 pounds of riding gear from withers to rump. "Riding gear," means any or all of the items listed below. It does not include equipment worn on the horse's head, tail, or legs; nor a channel, breastplate, or running martingale; nor foul-weather gear, which is any additional riding apparel a jockey chooses to wear due to inclement weather. Riding gear shall be weighed with the jockey when he weighs out under Rule 1682 of this division and again when the jockey weighs in under Rule 1701 of this division.

<u>Anti-slip pad</u>	<u>Metal stirrups</u>	<u>Safety vest</u>
<u>Arm number</u>	<u>Number cloth</u>	<u>Silks</u>
<u>Boots</u>	<u>Over-girth</u>	<u>Socks</u>
<u>Eye protection</u>	<u>Pants</u>	<u>Sock tie</u>
<u>Foam pad</u>	<u>Pommel pad</u>	<u>T-shirt</u>
<u>Gloves</u>	<u>Rubber bands</u>	<u>Turtleneck</u>
<u>Goggles (4 pair)</u>	<u>Saddle</u>	<u>Under-girth</u>
<u>Helmet cover</u>	<u>Saddle pad</u>	<u>Underwear</u>
<u>Leggings</u>	<u>Safety helmet</u>	<u>Whip</u>

(b) The official program shall separately designate the jockey's actual weight, the weight of the equipment from the withers to the rump as specified in subsection (a), any additional weight, and the combined total weight of the jockey and the equipment.

(c) "Jockey weight" means the weight of the jockey, nude, absent any riding gear or clothing, as recorded by the clerk of scales when the jockey is weighed. The clerk of scales will weigh and record jockey weight once each day when the jockey reports to the Jockey Room in accordance with Rule 1680 of this division. If the jockey uses a robe to be weighed, its weight shall be deducted to arrive at the nude weight.

(d) The minimum jockey weight for a jockey riding an Arabian or Thoroughbred horse shall be no less than 116 pounds. The minimum jockey weight for a jockey

riding an Appaloosa, Paint, Quarter Horse or mule shall be no less than 121 pounds.

The minimum jockey weight in handicap races shall be no less than 112 pounds.

(e) Nothing in this rule shall affect or alter apprentice allowances. If the apprentice allowance is used, then the minimum weight may be reduced by the amount of such allowance.

(f) Male jockeys shall maintain a minimum body fat content of 5% and female jockeys a minimum body fat content of 10%. A jockey's body fat content shall be measured and recorded by the clerk of scales once each day of racing. A jockey whose body fat content measures within 1% below the minimum level under this Rule shall be placed on warning and suspended from riding if the minimum standard is not met within three calendar days of the date of the warning. A jockey whose body fat content measures more than 1% below the minimum level under this Rule shall be disqualified from riding in any race.

(g) Compliance with subsection (f) of this rule is optional for 24 months, commencing on the effective date of this regulation, for any jockey licensed in the United States before December 31, 2004.

Authority: Section 19420,
 Business and Professions Code.

Reference: Section 19562,
 Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED REPEAL OF
RULE 1616
Minimum Weights to Be Carried

Regular Board Meeting
April 28, 2005

~~1616. Minimum Weights to Be Carried.~~

~~Notwithstanding any other provisions of this Division, the minimum weight to be carried in all overnight races for two year olds only, for three year olds only, and for four year olds only and upward shall be 112 pounds subject to further sex and apprentice allowances. The minimum weight to be carried in all races except handicap and stakes races, shall be 103 pounds.~~

Authority: ~~Sections 19562 and 19590,
Business and Professions Code.~~

Reference: ~~Sections 19562 and 19590,
Business and Professions Code.~~

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 8. RUNNING THE RACE
PROPOSED REPEAL OF
RULE 1684
Items Included in Weight

Regular Board Meeting
April 28, 2005

~~1684. Items Included in Weight.~~

~~A Jockey's weight includes his riding clothing, saddle and pad. It shall not include the jockey's safety helmet, safety vest, whip or the horse's bridle.~~

Authority: ~~Sections 19481 and 19562,
Business and Professions Code.~~

Reference: ~~Section 19481,
Business and Professions Code.~~

**STAFF ANALYSIS
LOCAL 280 AND ADW**

**REGULAR BOARD MEETING
APRIL 28, 2005**

Background

The Pari-Mutuel Employees Guild, Local 280, has asked the Board to re-examine the employment situation of Local 280 members at ADW facilities. The Local believes that promises were made by ADW providers to employ Local members during the passage of the ADW law and during CHRB hearings for initial licensing of ADW providers. The Local contends that such promises were not kept and that ADW providers have made little effort to utilize Local members for various jobs.

At the March 2005 meeting, the Board directed staff to facilitate a meeting between the ADW providers and Local 280 to explore the employment situation. On April 18, 2005, a meeting was held at Santa Anita with representatives of the ADW providers and Local 280. The stated objective of this meeting by Local 280 President Richard Castro, was to submit ideas on how Local members might be employed and that the ADW providers give serious consideration to these ideas.

At the meeting, Local 280 attorney David Rosenfeld presented the ADW providers with three ideas on how Local 280 members might be employed. The first is to provide more human contact between the ADW providers and the public by establishing booths at live racing meetings. Local members would provide direct customer assistance and information including sign-ups of new subscribers. The second was for the ADW providers to promote horse racing and ADW by utilizing Local members to make direct contact or out-reach to the public at off-site locations to enlist potential subscribers. Lastly, Mr. Rosenfeld suggested the establishment of call centers within the ADW facility, using Local members to assist the public in sign-ups, problems and general wagering information.

In general, the ADW representatives were receptive and gave their commitment to seriously consider the ideas proposed by Mr. Rosenfeld. The ADW representatives also indicated that other ideas would be considered. A follow-up meeting in early June is anticipated to further discuss employment opportunities for Local 280 members by the ADW providers.

STAFF ANALYSIS
ADJUSTMENT TO HARNESS PURSES

REGULAR BOARD MEETING
APRIL 28, 2005

Background:

In 1996 the Horse Racing Law was amended to allow a harness track to split .5% of the California simulcast handle with the horsemen. They could put the funds to any use as long as there was a written agreement as to the disposition of the money. As indicated in the attached letter, the harness horsemen (CHHA) do not believe that there was ever an official action by their organization as to the splitting of the funds per Section 19605.7(c). Capitol Racing LLC maintains that they had a non-written agreement with prior CHHA boards to spend the funds on promotion, which is exactly what they did. However, the law requires a written agreement and that exists in the form of the many horsemen's agreements between Capitol and the CHHA in which all simulcast funds (the disputed funds were generated from simulcast handle) are to be split 50-50 between the association and purses.

Since there is no written agreement that supersedes the horsemen's agreement, it would appear that Capitol has incorrectly withheld approximately \$1.45 million from the harness purses over the last several years. Currently there is an accumulated overpayment of purses at the Capitol meets of approximately \$2.1 million. This adjustment would reduce that overpayment by more than half. Staff will work with Capitol to determine the exact amount of the disputed .5% funds and assure that the proper adjustment is made to the purse account.

Recommendation:

Staff recommends that the Board direct Capitol to work with staff to make the necessary adjustments to the purse account.

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BEN KENNEY, PRESIDENT
JIM PEREZ, VICE-PRESIDENT
KIM HANKINS, EXECUTIVE DIRECTOR

John Reagan
California Horse Racing Board
1010 Hurley Way
Sacramento, CA 95865

April 13, 2005

Dear John,

Per our conversation last week, I am following up on your request of the position of the California Harness Horsemen's Association regarding the dispute of dispersal of the monies derived from Sec.19605.7c of California Horse Racing Law, commonly referred to as the .5% Promotional Fund. The California Harness Horsemen's Association has not been party to any written agreement, nor was there ever a vote taken by any CHHA Board in relations to that fund.

At the February 17, 2005 CHRB meeting, David Neumeister testified that he and Capitol Racing had discussed this matter but had never reduced that alleged "agreement" to writing. After having this matter brought to our attention last fall during contract negotiations for the current 2005 Spring meet, CHHA requested that Capitol agree, in the horsemen's contract, to split the proceeds equally and add those Promo Funds to the 2005 Spring meet purse account. They did agree, at least during this race meet, that the monies should be split equally.

Your concern over this important matter is greatly appreciated. Please don't hesitate to call me if you need any additional information regarding this matter.

cc- Ben Kenney

KPH:jck

Sincerely,

Kim Hankins
Executive Director

CALIFORNIA HORSE RACING BOARD
UPDATE ON THE IMPLANTING OF MICROCHIPS
FOR THE IDENTIFICATION OF
HORSES

Regular Board Meeting
April 28, 2005

BACKGROUND

Business and Professions Code Section 19562 provides that the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in this State. Board Rule 1554, Duties of the Horse Identifier, states that the horse identifier shall inspect documents of ownership, eligibility, registration, or breeding, as may be necessary to insure proper identification of each horse eligible to compete at the race meeting. He shall supervise the tattooing or branding for identification of any horse within the inclosure. Board Rule 1597, Association to Maintain Records of Horses on Its Grounds, provides that the association shall maintain a list or record of all horses admitted to its grounds for racing. Additions and deletions of horses entering or leaving the grounds shall be made to records within 48 hours of the entering or leaving.

The issue of implanting microchips, as a means of identifying a horse was last discussed at the February 2005 Medication Committee meeting. Problems with the identification of horses being vanned, and the willful misidentification of horses being taken off the grounds, have recently surfaced. In response, the Board is actively examining current procedures and developing standardized policies to ensure accurate identification of horses shipped in and out of racetracks.

Race horses are currently identified by means of lip tattoos, photographs and written description. Such methods of identification are not foolproof. Tattoos may be difficult to read or be altered, and it is possible to misidentify a horse by using written and photographic descriptions.

ANALYSIS

Microchips implanted into a horse is a method of electronic animal identification. Each microchip contains a unique and distinct number that is assigned to an individual horse. The microchip, which is about the size of a grain of rice, is implanted into the neck of the horse utilizing a syringe-like device with a large gage needle. When a radio frequency scanner is passed over the implantation site, the transponder in the microchip is activated and returns the identification number to the reader where it is displayed. A computerized database then provides the name of the horse that corresponds to the identification number. This method of electronic horse identification is currently in use in several countries, such as Ireland, England, Australia, and South Africa as well as some breed organizations. Rapid electronic

identification of horses could also be very helpful in the tracking of horses in the case of an outbreak of an infectious disease, and in the recovery of lost or stolen horses. Federal legislation has been introduced in the Congress to institute a National Animal Identification System (NAIS) to address animal health emergencies caused by either the accidental introduction of a disease or acts of bio-terrorism. The system would apply to all livestock born in the United States or imported and cover the movement of livestock in both interstate commerce and intrastate commerce. The American Horse Council's National Equine Identification Plan Task Force represents the equine industry in the discussions concerning this proposed legislation.

RECOMMENDATION

This item is presented for discussion